

BOARD OF SUPERVISORS

MINUTES

December 17, 2003

Supervisors in Attendance:

Mr. Arthur S. Warren, Chairman
Mr. J. L. McHale, III, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny B. Humphrey
Mr. Kelly E. Miller

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Ms. Jana Carter, Dir.,
Youth Services
Ms. Marilyn Cole, Asst.
County Administrator
Mr. Richard Cordle,
Treasurer
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Mr. William Dupler,
Building Official
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Louis Lassiter, Dir.,
Internal Audit
Mr. Michael Likins,
Coop. Extension Director
Mr. Mike Mabe, Dir.,
Libraries
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering

Mr. Steven L. Micas,
County Attorney
Mr. Glen Peterson, Dir.,
Community Diversion
Incentive Program
Mr. Francis Pitaro, Dir.,
General Services
Ms. Karen Russell, Dir.,
Risk Management
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office

Mr. Warren called the regularly scheduled meeting to order at 3:37 p.m.

1. APPROVAL OF MINUTES FOR NOVEMBER 25, 2003

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board approved the minutes of November 25, 2003, as submitted.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

- o Mr. Ramsey stated Congressman Randy Forbes recently provided him with a copy of the remarks he made on July 25, 2003 to the House of Representatives recognizing Chesterfield County's continuing support of its military reservists.

Ms. Elko read the Congressional Record of the following remarks made by Congressman Randy Forbes:

"Mr. Speaker, I rise today to recognize Chesterfield County, Virginia for their continuing support of our men and women in uniform.

Chesterfield County rests between the James and Appomattox Rivers and is a total of 446 square miles. Its location offers a unique blend of suburbia and the options of driving to our nation's capital, Virginia's beautiful beaches or the scenic Blue Ridge Parkway.

The citizens of Chesterfield County not only share a beautiful community filled with spirit and values. They also share a sense of honor, duty and commitment through their support of Virginia's reservists.

It came to my attention in February 2003 that Chesterfield made a commitment to those working for the County - a promise to compensate those called up for duty as part of the Reserves. When a reservist is mobilized, and leaves his or her civilian job, their

military salary is almost always much lower than their civilian salary.

Prior to the war in Iraq, there was an effort by military organizations to get the word out to their members that might be asked to serve in the war - the word was 'save up now to help your family in the future.' But, often, the small amount of time between hearing of a possible call-up of your unit, and preparing to leave is not enough to organize family finances. Families of those called to serve at a moment's notice often find themselves in a dire financial situation.

The citizens of Chesterfield wanted to take care of the 53 Reservists and their families. Together, in a community-wide effort, the county decided to make up the difference in salary for the reservists who had been asked to serve in support of Iraqi Freedom. I can't think of a better way to honor our men and women in uniform, who sacrifice so much in the name of freedom.

Mr. Speaker, I congratulate Chesterfield County as they share in the duty of those serving our country. Most of us only speak of helping the troops fighting for freedom each day, the people of Chesterfield County translated those words into actions. As a member of the House Armed Services Committee, and as a citizen of this great nation, it is an honor and a privilege to represent the people of Chesterfield County, true patriots of our country."

- o Ms. Carolyn Cios, Powhatan County Administrator, expressed appreciation to the Board for allowing Powhatan to use Mr. Kirk Turner, Development Manager for Chesterfield County, as Powhatan County's Interim Planning Director.

Mr. Roy Harrison, member of the Powhatan County Board of Supervisors, presented a framed plaque to Mr. Turner in appreciation of the expertise he provided as Interim Planning Director in Powhatan County.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. McHale, seconded by Mr. Warren, the Board added Item 5.F., Resolution Recognizing the Outstanding Contributions of the Commonwealth Clinic; replaced Item 8.C.1.c., Resolution to Approve the Financing of the Acquisition, Construction, Installation, Furnishing and Equipping of Capital Improvement Projects; added Item 8.C.4.b., Set Date for Public Hearing to Consider Increasing the Appropriation of Anticipated Reimbursements for Hurricane Isabel Debris Pick-up Program; added Item 8.C.4.c., Set Date for Public Hearing to Consider the Exercise of Eminent Domain for the Acquisition of Permanent and Temporary Construction

Easements for the Ruffin Mill-Phase II Waterline Project; added Item 8.C.6.b.1., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Chesterfield Public Library to Purchase Books on Compact Discs for the Chester/Enon Library; added Item 8.C.6.b.2., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Chesterfield County Fire Department to Upgrade the Exercise Facilities at the Dutch Gap Station; added Item 8.C.6.b.3., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Chesterfield County School Board to Purchase "The Educational Enrichment Package" for Six Chesterfield County High Schools; replaced Item 10.B., Report on the Status of the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds, and Lease Purchases; moved Item 15.C., Resolution Recognizing Mrs. Dorothy K. Jaeckle for Her Contributions to the Chesterfield County Committee on the Future, to follow Item 5.D., Resolution Recognizing Lieutenant Thomas E. Stiles, Police Department, Upon His Retirement; and adopted the Agenda, as amended.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. Warren recognized Mr. Harry Daniel, former member of the Board of Supervisors, who was present at the meeting.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING CHESTERFIELD COUNTY EMPLOYEES OF THE YEAR

Ms. Cole introduced the 2003 Employees-of-the-Year, who were as follows:

<u>Name</u>	<u>Department</u>
Ann Arnold	Extension Service
Janice Blakley	Administration
Patsy Brown	Accounting
Sarah Bodsforth	Youth Services
Chris Bugg	Real Estate Assessment
Sherry Brown	Human Resource Management
Judy Burnett	Purchasing
Alesia Rae Campbell	General Services
Brian Dalton	Environmental Engineering
Faith Davis	Risk Management
Keith Diggs	Fire Training
William Ellis	Emergency Communications
Dicky Fenner	Utilities

Laura Glover	Treasurer
Michelle Gunter	Sheriff
Richard Jones, III	Building Inspections
Claudia Lawler	Mental Health
Milton Marsh	Parks and Recreation
Lisa Park	Health Department
Zackary Robbins	Planning
Rose Stanford	Community Corrections
Bruce Stokes	Juvenile Detention
Kevin Sutton	Juvenile Probation
Benjamin Thomas	Library
Tammi Tomlinson	Budget and Management
Cindy Vaughan	Youth Group Home
Mike Westfall	Internal Audit
Tammy Wiley	Information Systems Technology
David Williams	Police Department
Susan Wilson	County Attorney

Mr. Ramsey presented the Employees-of-the-Year with a plaque recognizing them as their department's Employee-of-the-Year and expressed appreciation for their leadership and dedication.

Mr. McHale expressed appreciation, on behalf of the Board and the citizens, to each of the Employees-of-the-Year for their dedicated service.

A standing ovation followed.

**5.B. RECOGNIZING AIM-USA FOR A DONATION TOWARDS THE 2003
FOURTH OF JULY CELEBRATION SPONSORED BY CHESTERFIELD
COUNTY PARKS AND RECREATION DEPARTMENT**

Mr. Golden introduced Mr. Jim Johnson and Mrs. Susan Johnson who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, AIM USA provided a generous donation which was used by the Chesterfield County Parks and Recreation Department towards the 2003 Fourth of July Celebration; and

WHEREAS, the donation aided in the enhancement of the Fourth of July Celebration; and

WHEREAS, AIM-USA has given back to the community through sponsorship of a major county special event; and

WHEREAS, through the cooperative efforts of Mr. Jim Johnson and Mrs. Susan Johnson, the spirit of community/private partnerships has provided the Department with increased awareness to explore similar opportunities for other programs; and

WHEREAS, Chesterfield County greatly appreciates this donation and is looking forward to continuing a strong relationship with AIM-USA.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes AIM-USA and expresses appreciation for its generous contribution toward the Annual Fourth of July Celebration.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to AIM-USA and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Mr. and Mrs. Johnson, accompanied by their infant daughter, Mr. Golden and Mr. Dave Caras, and expressed appreciation for AIM-USA's generous contribution.

Mr. Johnson expressed appreciation to the Parks and Recreation Department for the opportunity to help the youth of Chesterfield County.

5.C. RECOGNIZING COMCAST CABLEVISION FOR A DONATION TOWARDS THE 2003 FOURTH OF JULY CELEBRATION SPONSORED BY CHESTERFIELD COUNTY PARKS AND RECREATION DEPARTMENT

Mr. Golden introduced Mr. Kenneth Dye who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Comcast Cablevision provided a generous donation which was used by the Chesterfield County Parks and Recreation Department for the 2003 Fourth of July Celebration; and

WHEREAS, the donation aided in the enhancement of the Fourth of July Celebration; and

WHEREAS, Comcast Cablevision has given back to the community through sponsorship of a major county special event; and

WHEREAS, through the cooperative efforts of Mr. Kenneth M. Dye, Director of Government Affairs, the spirit of community/private partnerships has provided the Department with increased awareness to explore similar opportunities for other programs; and

WHEREAS, Chesterfield County greatly appreciates this donation and is looking forward to continuing a strong relationship with Comcast Cablevision.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003 publicly recognizes Comcast Cablevision for its generous contribution toward the Annual Fourth of July Celebration.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Comcast Cablevision and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Mr. Dye, accompanied by Mr. Golden and Mr. Dave Caras, and expressed appreciation for Comcast's generous contribution.

Mr. Dye expressed appreciation to the Parks and Recreation Department for the opportunity to assist with enhancing the quality of life of county residents.

5.D. RECOGNIZING LIEUTENANT THOMAS E. STILES, POLICE DEPARTMENT, UPON HIS RETIREMENT

Colonel Baker introduced Lieutenant Thomas Stiles who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Lieutenant Thomas E. Stiles will retire from the Chesterfield County Police Department on January 1, 2004 after providing 26 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Lieutenant Stiles has faithfully served the county in the capacity of Patrol Officer, Investigator, Sergeant and Lieutenant; and

WHEREAS, Lieutenant Stiles served as Class President of the 6th Basic Police Academy; and

WHEREAS, Lieutenant Stiles was involved in numerous major cases, two of which involved the abduction and assault of eight and nine-year-old females, one being highlighted on the national television show *Rescue 911* with William Shatner; and, in the other case, a confession was obtained and the suspect pled guilty, which also led to the resolution of an additional abuse situation involving another minor female, and the suspects arrested in these cases are still serving prison time; and

WHEREAS, Lieutenant Stiles served on the TQI Weapons Committee with the purpose of evaluating and selecting a new service weapon for the Chesterfield County Police Department, and the weapon selected is currently still issued by the department; and

WHEREAS, during his tenure as Lieutenant, Lieutenant Stiles has served as Commander of the Vice and Narcotics Unit, the Crimes Against Persons Unit, the Crimes Against Property Unit, the Anti-Crime Task Force Unit, and Lieutenant of the Support Service Unit; and

WHEREAS, Lieutenant Stiles has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Lieutenant Stiles has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Lieutenant Stiles' diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Lieutenant Thomas E. Stiles, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Lieutenant Stiles, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Lieutenant Stiles, accompanied by members of his family and Colonel Baker, expressed appreciation for his dedicated service, and wished him a long and happy retirement.

Mr. Ramsey presented Lieutenant Stiles with a Jefferson Cup, thanked him for his extraordinary efforts on the TQI Weapons Committee, and offered best wishes upon his retirement.

Lieutenant Stiles expressed appreciation to the Board for the recognition.

A standing ovation followed.

**5.E. RECOGNIZING MRS. DOROTHY K. JAECKLE FOR HER
CONTRIBUTIONS TO THE CHESTERFIELD COUNTY COMMITTEE
ON THE FUTURE**

Ms. Mary Kruse introduced Ms. Dorothy Jaeckle who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Committee on the Future was established in 1987 by the Board of Supervisors and included in the County Charter for the purpose of assessing the future and long range challenges facing the county, advising the Board of Supervisors, and making recommendations for minimizing the adverse effect of future changes on the county; and

WHEREAS, Mrs. Dorothy Jaeckle was appointed as a member of the Committee in 1992; and

WHEREAS, Mrs. Jaeckle has served the citizens of the Bermuda District with distinction; and

WHEREAS, Mrs. Jaeckle served as Vice Chairman from January 1996 through August 1996 and as Chairman of the Committee from September 1996 through January 2000; and

WHEREAS, the Committee prepared the strategies for success report on "Economic Development" making specific recommendations in the areas of strengthening the county's workforce, planning for growth and development, and preparing for the residents' needs and their impact on economic development; and

WHEREAS, the Committee created the "Neighborhood Preservation" report developing strategies to strengthen county communities by offering recommendations related to community organizations, neighborhood schools, community safety, crime prevention, and the maintenance, rehabilitation, and design of public and private facilities; and

WHEREAS, the Committee prepared the "Youth Development" report creating recommendations to maximize the opportunity for Chesterfield County youth to become engaged contributors within their communities through community, church, and private organizations, volunteerism, and school involvement; and

WHEREAS, Mrs. Jaeckle served as the Chairman of the Committee during the development of the "Youth Development" report; and

WHEREAS, the Committee completed the "Aging of the Population" report recognizing the opportunities created by the growing population of senior citizens, acknowledging the collective community obligation to meet seniors' needs, and offering suggestions that address the needs and opportunities of senior citizens in the areas of health, information services, mobility, education, social and leisure time, finances and housing; and

WHEREAS, Mrs. Jaeckle has dedicated countless hours to the Committee during the past twelve years.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mrs. Dorothy Jaeckle and commends her for her dedication and outstanding service to the Committee on the Future and to the citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mrs. Jaeckle and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Mrs. Jaeckle and expressed appreciation for her outstanding contributions to the Committee on the Future.

Mrs. Jaeckle expressed appreciation to Mr. McHale for the opportunity to serve on the Committee on the Future.

5.F. RECOGNIZING THE OUTSTANDING CONTRIBUTIONS OF THE COMMONWEALTH CLINIC

Mr. Kappel introduced Dr. Don Yeatts, Medical Director of the Commonwealth Clinic, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, access to medical care is a vital need for all Americans; and

WHEREAS; the cost of medical care has risen to the point that some Americans can no longer afford it; and

WHEREAS, the Commonwealth Clinic at 10930 Hull Street Road in Midlothian opened in April 2003; and

WHEREAS, the Commonwealth Clinic is a non-profit, charitable organization; and

WHEREAS, the clinic's patients are uninsured and are experiencing financial hardship; and

WHEREAS, most of these patients are referred to the Commonwealth Clinic by the Chesterfield County Health Department or the Chesterfield-Colonial Heights Department of Social Services; and

WHEREAS, since April 2003, the Commonwealth Clinic has seen more than 400 patients; and

WHEREAS, these patients were provided with a wide range of "family practitioner" services; and

WHEREAS, these services were provided free-of-charge by volunteer care providers; and

WHEREAS, since its inception, the Commonwealth Clinic has had more than 55 volunteers provide nearly 1,300 volunteer hours; and

WHEREAS, these volunteers include nine doctors and nine nurse practitioners; and

WHEREAS, more than 50 medical specialists in Chesterfield County have agreed to serve as additional medical resources at no charge for clinic patients with special needs; and

WHEREAS, such dedication and voluntarism are deserving of appropriate public recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes the outstanding contributions of the Commonwealth Clinic to the health and welfare of Chesterfield County, thanks the doctors, nurse practitioners and others who donate so generously of their time and talents, and

wishes these true American heroes continued success as they care for the less affluent of our communities.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Dr. Yeatts and commended the physicians and other health professionals who volunteer their services at the Commonwealth Clinic.

Dr. Yeatts expressed appreciation to the Board for the recognition.

Mrs. Humphrey requested that Mr. Stith provide details to Dr. Yeatts relative to Block Grant funding opportunities available for the clinic.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

0 TO CONSIDER THE PROPOSED SUBDIVISION CONNECTIVITY POLICY

Mr. Kirk Turner stated staff is requesting that the Board defer action on the policy until February 25, 2004 to analyze language changes to provide additional protection for existing neighborhoods.

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board deferred action on the proposed Subdivision Connectivity Policy until February 25, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8. NEW BUSINESS

8.A. STREETLIGHT COST APPROVALS

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the following streetlights:

Matoaca District

- At the intersection of Bethia Road and Winterpock Road in the vicinity of Saint Gabriel's Catholic Church

Cost to install streetlight: \$2,123.91

Midlothian District

- In the Banwell Subdivision:
Hedges Road, in the vicinity of 6831

Cost to install streetlight: \$701.89

- In the Brookwood Estates Subdivision:
Replace the existing 3000 lumen mercury vapor

streetlight at the intersection of Huguenot Road
and Westgate Road with the county standard 8000
lumen sodium vapor streetlight

Cost to replace streetlight: \$359.88

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B. APPOINTMENTS

On motion of Mr. McHale, seconded by Mr. Warren, the Board suspended its rules at this time to allow simultaneous nomination/appointment/reappointment of members to serve on the Appomattox River Water Authority, Chesterfield Community Services Board, and the Personnel Appeals Board.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B.1. APPOMATTOX RIVER WATER AUTHORITY

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board simultaneously nominated/reappointed Mr. Craig Bryant to serve on the Appomattox River Water Authority, whose term is effective January 1, 2004 and expires December 31, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board simultaneously nominated/reappointed Mr. Lane Ramsey to serve on the Appomattox River Water Authority, whose term is effective January 1, 2004 and expires December 31, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B.2. CHESTERFIELD COMMUNITY SERVICES BOARD

On motion of Mr. Barber, seconded by Mr. McHale, the Board simultaneously nominated/appointed/reappointed Mr. Angel A. Torres, representing the county at-large, and Ms. Maria Brown, representing the Midlothian District, to serve on the Chesterfield Community Services Board, whose terms are effective January 1, 2004 and expire December 31, 2006.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B.3. PERSONNEL APPEALS BOARD

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed Ms. Teresa Langley Edwards to serve on the Personnel Appeals Board, whose term is effective January 1, 2004 and expires December 31, 2006.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C. CONSENT ITEMS

8.C.1. ADOPTION OF RESOLUTIONS

**8.C.1.a. RECOGNIZING MR. DONALD RAY SAUNDERS, INFORMATION
SYSTEMS TECHNOLOGY DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, Mr. Donald Ray Saunders will retire from the Chesterfield County Information Systems Technology (IST) Department on January 1, 2004; and

WHEREAS, Mr. Saunders began his public service to the citizens of Chesterfield County on September 19, 1983, as Systems Analyst III with the Data Processing Department; and

WHEREAS, Mr. Saunders has faithfully served the county for 20 years and held numerous positions including systems analyst III; lead analyst programmer; project manager; systems development manager - finance, and web services manager; and

WHEREAS, Mr. Saunders was instrumental in the implementation of the Student Information System, which provided enhanced school operations and student information; and

WHEREAS, Mr. Saunders was a leader in various other projects including the Personal Property Tax Proration System, Utility Billing System (CUBIS), HR/Payroll System (Integral), and the Year 2000 Project; and

WHEREAS, Mr. Saunders has received numerous recognitions including an Organizational and Managerial Communication Skills award from the University of Richmond, a First Choice award for serving on a countywide Y2K taskforce, and created and led the Web Services team to the development and implementation of Chesterfield's e-government services; and

WHEREAS, Mr. Saunders has received many letters of commendation and appreciation for his performance and dedication to his duties; and

WHEREAS, Mr. Saunders served as team leader of the IST Quality Council; Chair of the Internet Security Advisory Group; Advisor for the Information Technology Advisory Group; and member of the State Applications Development Group, the ERP team, and the CountyNet Redesign Committee; and

WHEREAS, Mr. Saunders has provided the Chesterfield County Information Systems Technology Department with many years of loyal and dedicated service and will be tremendously missed for the quality and caliber of his commitment to the success of Chesterfield County's IST operations.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day December 2003, recognizes the contributions of Mr. Donald Ray Saunders, expresses the appreciation of all residents for his service

to the county, and extends appreciation for his dedicated service and congratulations upon his retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.b. RECOGNIZING DEPUTY ALEX E. RAINES, JR., SHERIFF'S OFFICE, UPON HIS RETIREMENT

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, Mr. Alex E. Raines, Jr. began working for the Chesterfield County Sheriff's Office on September 27, 1982; and

WHEREAS, Deputy Raines served in the jail dealing with inmates entrusted to the Sheriff's care; and

WHEREAS, Deputy Raines was promoted to the rank of Corporal in 1986, assisting his sergeant with shift operations; and

WHEREAS, Deputy Raines took a voluntary reduction in rank in 1989, to help start the Sheriff's Office Inmate Workforce Program; and

WHEREAS, during his assignment to that unit, Deputy Raines received several letters of appreciation and commendation for the work performed by the inmates under his supervision; and

WHEREAS, Deputy Raines left the Workforce Program in 1995 and returned to the jail, where he served as a primary control room operator; and

WHEREAS, Deputy Raines will retire January 1, 2004 after providing 21 years of service to the Sheriff's Office.

NOW, THERFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the contributions of Mr. Alex E. Raines, Jr., expresses the appreciation of all citizens for his service to Chesterfield County, and extends appreciation for his service to the county and their congratulations upon his retirement, as well as their best wishes for a long and happy retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.c. APPROVING THE FINANCING OF THE ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF CAPITAL IMPROVEMENT PROJECTS

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, TO APPROVE THE FINANCING OF THE ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF A NEW COMMUNITY

DEVELOPMENT BUILDING, A COUNTY JAIL REPLACEMENT, A FINANCIAL/HUMAN RESOURCES INFORMATION SYSTEM, AN EMERGENCY SYSTEMS INTEGRATION PROJECT, THE CHESTER HOUSE REHABILITATIVE FACILITY AND AIRPORT HANGAR SPACE AT THE CHESTERFIELD COUNTY AIRPORT, THROUGH THE ISSUANCE AND FROM THE PROCEEDS OF NOT TO EXCEED \$44,560,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION EVIDENCING UNDIVIDED INTERESTS IN THE RENTAL PAYMENTS TO BE MADE BY THE COUNTY, AS LESSEE, UNDER A LEASE/PURCHASE AGREEMENT, TO AUTHORIZE THE REIMBURSEMENT FROM THE PROCEEDS OF SUCH CERTIFICATES OF PARTICIPATION OF EXPENDITURES TO BE MADE BY THE COUNTY IN ADVANCE OF THE ISSUANCE AND RECEIPT OF THE PROCEEDS OF SUCH CERTIFICATES OF PARTICIPATION AND TO AUTHORIZE APPROPRIATIONS TO PAY COSTS OF THE ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF THE CHESTER HOUSE REHABILITATIVE FACILITY AND AIRPORT HANGAR SPACE AT THE CHESTERFIELD COUNTY AIRPORT

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, AS FOLLOWS:

SECTION 1. The Board of Supervisors (the "Board of Supervisors") of the County of Chesterfield, Virginia (the "County") hereby approves the financing on behalf of the County of (a) the acquisition, construction, installation, furnishing and equipping of a new Community Development Building, (b) the acquisition, construction, installation, financing and equipping of a County Jail Replacement, (c) the acquisition and installation of a new Financial/Human Resource Information System, (d) the acquisition and installation of a Emergency Systems Integration Project, and (e) the acquisition, construction, installation, furnishing and equipping of the Chester House Rehabilitative Facility, (f) the acquisition, construction, installation, furnishing and equipping of Airport Hangar Space at the Chesterfield County Airport (collectively, the "Projects"), through the issuance and from the proceeds of an issue of not to exceed \$44,560,000 principal amount of Certificates of Participation. The Certificates of Participation will represent undivided interests in the rental payments to be made by the County, as lessee, under a Lease/Purchase Agreement pursuant to which the County, as lessee, will lease the Project. The rental payments to be made by the County under the Lease/Purchase Agreement will be subject to appropriation by the Board of Supervisors.

SECTION 2. The Board of Supervisors hereby authorizes the County to make expenditures on the Projects in advance of the issuance and receipt of the proceeds of the Certificates of Participation and to reimburse such expenditures from the proceeds of the Certificates of Participation. The adoption of this resolution shall be considered as an "official intent" within the meaning of Treasury Regulation Section 1.1.150-2, promulgated under the Internal Revenue Code of 1986, as amended.

SECTION 3. The Board of Supervisors hereby declares its intent to (a) appropriate the amount of \$1,203,100 to pay costs of acquisition, construction, installation, furnishing and equipping of the Chester House Rehabilitative Facility and hereby authorizes the use of such amount to pay costs of

the acquisition, construction, installation, furnishing and equipping of the Chester House Rehabilitative Facility; and (b) hereby declares its intent to appropriate the amount of \$900,000 to pay costs of acquisition, construction, installation, furnishing and equipping of Airport Hangar Space at the Chesterfield County Airport and hereby authorizes the use of such amount to pay costs of the acquisition, construction, installation, furnishing and equipping of Airport Hangar Space at the Chesterfield County Airport.

SECTION 4. This resolution shall take effect upon its adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.d. RECOGNIZING MS. CAROL LYNN VANDERHERCHEN, PARKS AND RECREATION DEPARTMENT, UPON HER RETIREMENT

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, Mrs. Carol Lynn Vanderherchen retired on August 1, 2003 from the Chesterfield County Department of Parks and Recreation; and

WHEREAS, Mrs. Vanderherchen was employed by the Chesterfield County Police Department from October 9, 1984 until February 23, 1999; and

WHEREAS, Mrs. Vanderherchen was the original office administrator for Chesterfield County/Colonial Heights Crime Solvers; and

WHEREAS, Mrs. Vanderherchen served as secretary for the Captain of the Chesterfield County Police Department's Criminal Investigations Division, for the Crimes Against Property Unit, and for the Major of the Investigations Bureau; and

WHEREAS, Mrs. Vanderherchen was the recipient of the Celebrating Success Award in July 1990; and

WHEREAS, Mrs. Vanderherchen received numerous accolades from the public and private sector during her tenure with the Chesterfield County Police Department; and

WHEREAS, Mrs. Vanderherchen served with Chesterfield County Parks and Recreation Department beginning December 13, 1999, and her invaluable service to the Parks and Recreation Department included active participation as secretary to the Parks and Recreation Advisory Commission and the Midlothian Mines and Railroad Foundation; and

WHEREAS, Mrs. Vanderherchen ably served as Secretary to the Director of Parks and Recreation; and

WHEREAS, Mrs. Vanderherchen served as the United Way Fund Coordinator for the Parks and Recreation Department.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Carol Lynn Vanderherchen, expresses the appreciation of all residents for her 18 years of service to Chesterfield County, and extends appreciation for her dedicated service to the county and congratulations upon her retirement, as well as best wishes for a long and happy retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.e. RECOGNIZING MR. RUSSELL L. HOLMES, JR., DEPARTMENT OF LICENSE INSPECTIONS, UPON HIS RETIREMENT

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, Mr. Russell L. Holmes, Jr. will retire on January 1, 2004 after providing twenty-five years of dedicated and faithful service to Chesterfield County; and

WHEREAS, Mr. Holmes began his career with the Chesterfield County License Inspector's Office in November 1978 as a Deputy License Inspector providing code enforcement with business license and County license decals; and

WHEREAS, Mr. Holmes provided strong leadership by empowering creative approaches to providing enforcement services to the citizens and provided guidance to many citizens of Chesterfield County, and has been acknowledged for his many accomplishments of success of those he served; and

WHEREAS, Mr. Holmes has served to train others within the department, and worked with other localities in enforcement issues; and

WHEREAS, Mr. Holmes has represented the Chesterfield County License Inspector's Office in outstanding service, and has provided extraordinary service in identifying those in violation of our county ordinances, and has worked with many citizens in the development of best practice to code enforcement; and

WHEREAS, Mr. Holmes is an energetic and enthusiastic employee for citizens who needed assistance in obtaining proper licenses, and would always go that extra mile to achieve a first choice community for all citizens, and recognized for his commitment, dependability, and leadership by the county, and is held in highest regard by his colleagues; and

WHEREAS, Mr. Holmes will be missed for his professional role of supporting citizens with license issues, and for the quality and caliber of his commitment and performance as Deputy License Inspector to the citizens and to Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, recognizes the contributions of Mr. Russell L. Holmes, Jr., and extends appreciation for twenty-five years of dedicated

service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.f. RECOGNIZING MR. JOHN HUNTER DAVIS UPON ATTAINING THE RANK OF EAGLE SCOUT

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. John Hunter Davis, Troop 876, sponsored by Mount Pisgah United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Hunter has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, recognizes Mr. John Hunter Davis, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.g. RECOGNIZING MS. VIROUS JONES FOR HER SERVICE ON THE CHESTERFIELD COMMUNITY SERVICES BOARD

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, Ms. Virous W. Jones, representing the Matoaca Magisterial District, has served as a dedicated and faithful member of the Chesterfield Community Services Board since her appointment by the Board of Supervisors effective January 1, 2001; and

WHEREAS, during her term as a member of the Chesterfield County Community Services Board, Ms. Jones has served with distinction as a member of the Program Committee and the Policy Committee; and

WHEREAS, Ms. Jones has for a number of years been an active volunteer and concerned citizen of Chesterfield County, serving in numerous leadership capacities including the Crater Community Hospice Volunteer program, Chesterfield/Colonial Heights Social Services Board, Volunteer Services Council of Central State Hospital, the CARES Board, and the Crater Area AIDS Program Board; and

WHEREAS, the guidance and commitment demonstrated by Ms. Jones is an important example of effective advocacy in support of quality human services.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, hereby expresses its sincere appreciation to Ms. Virous W. Jones for her continuing efforts to enhance the quality mental health, mental retardation and substance abuse services provided for citizens of Chesterfield County.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.1.h. RECOGNIZING MS. NANCY K. TURNER, CHESTERFIELD/
COLONIAL HEIGHTS DEPARTMENT OF SOCIAL SERVICES,
UPON HER RETIREMENT**

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, Ms. Nancy Turner began her public service with Chesterfield County as an Eligibility Worker in the Department of Social Services on March 2, 1981, having come to the county with 11 years experience in social services; and

WHEREAS, Ms. Turner worked with families receiving assistance under the Aid to Families with Dependent Children and Food Stamp Programs from 1981 to 1984; and

WHEREAS, Ms. Turner has worked with adults receiving Medicaid since 1984; and

WHEREAS, Ms. Turner served on the Department of Social Services Quality County for a term of one year in 1997; and

WHEREAS, throughout her career at the Department of Social Services, Ms. Turner has served the most vulnerable citizens of Chesterfield County and the City of Colonial Heights; and

WHEREAS, Ms. Turner has been a dedicated and loyal advocate for the citizens of Chesterfield County and the City of Colonial Heights.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003,

recognizes the outstanding contributions of Ms. Nancy Turner, expresses the appreciation of all residents for her service to Chesterfield County, and extends appreciation for her dedicated service to the county and congratulations upon her retirement, as well as best wishes for a long and happy retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.1.i. RECOGNIZING MR. JEROME BROWN, GENERAL SERVICES,
UPON HIS RETIREMENT**

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, Mr. Jerome Brown joined the county on April 1, 1977 in what was then called the County Sanitation Division; and

WHEREAS, Mr. Brown provided exemplary service to the customers on his route throughout his 26 years of service; and

WHEREAS, Mr. Brown has furthered the county's recycling efforts by collecting tons of used paper from the various county facilities and schools; and

WHEREAS, Mr. Brown has worked during adverse weather conditions to plow roads and clear walkways for citizens and employees; and

WHEREAS, Mr. Brown has served as a member of the Employee Advisory Committee for the General Services Department; and

WHEREAS, Mr. Brown has always been willing to do whatever was required to make the county a better community; and

WHEREAS, Mr. Brown was always a team player and could be counted on to do more than his fair share; and

WHEREAS, the Waste and Resource Recovery Division enjoys a high degree of customer satisfaction due to the customer service efforts of Mr. Brown.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors hereby expresses its sincere gratitude and appreciation to Mr. Jerome Brown for his years of service to the citizens of the county and his dedication to excellent customer service.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mr. Brown and that this resolution be permanently recorded among the papers of the Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.1.j. RECOGNIZING MASTER POLICE OFFICER C. L. MOORE,
POLICE DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, Master Police Officer C. L. Moore will retire from the Chesterfield County Police Department on January 1, 2004; and

WHEREAS, Officer Moore has provided 32 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Officer Moore has faithfully served the county in the capacity of Dispatcher, Patrol Officer, Senior Police Officer, and Master Police Officer; and

WHEREAS, Officer Moore was selected as Police Officer of the Year for the year of 1989; and

WHEREAS, Officer Moore served for two years as a member of the Chesterfield County Police Marine Patrol; and

WHEREAS, Officer Moore received a Certificate of Commendation for his swift actions and courage when he responded to an alarm activation at the Central Fidelity Bank in Ettrick, Virginia; and, after a brief foot pursuit, was able to apprehend the suspect and assisted by detectives, was able to obtain information which led to the arrest of three accomplices and the recovery of a large amount of money; and

WHEREAS, Officer Moore has received numerous letters of thanks and appreciation for assistance rendered in all types of situations; and

WHEREAS, Officer Moore has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Officer Moore's diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, recognizes Master Police Officer C. L. Moore, and extends on behalf of its members and the citizens of Chesterfield County appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.1.k. RECOGNIZING COMMANDER LOUIS W. MOORE, POLICE
DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, Mr. Louis W. Moore will retire from the Chesterfield County Police Department on January 1, 2004

after providing 23 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Mr. Moore began his career with the Police Department as a Systems and Procedures Analyst and has served in various capacities and now serves as Commander of the Administrative Support Bureau; and

WHEREAS, Mr. Moore began the era of personal computing in the Police Department when he acquired the first personal computer through a grant and implemented the first departmental computerized network; and

WHEREAS, Mr. Moore programmed many PC based systems himself, many of which are still in use today; and

WHEREAS, Mr. Moore has been responsible for all automation in the Police Department since 1980, including the highly praised Police Records Management System implemented in 1999 that completely changed the way in which incident reporting is accomplished; and

WHEREAS, Mr. Moore has been instrumental in assisting with the implementation of growth throughout the department in areas of automation, personnel, finance, and decentralization to include the North and South District Stations, and the Clover Hill Police Support Facility; and

WHEREAS, Mr. Moore has provided valuable input to two police chiefs and their command staff over the years in numerous areas to include reorganizations, fleet management, and fiscal management reports of all types for decision making purposes; and

WHEREAS, Mr. Moore has managed many support functions within the Police Department, including records, booking, planning and research, crime analysis, intelligence, traffic analysis, grant writing, systems support, personnel, administration, and finance; and

WHEREAS, Mr. Moore was selected as the Police Department's Outstanding Civilian Employee of the Year in the year 1985, and again in 2003; and

WHEREAS, Mr. Moore has provided direction and mentoring to many subordinates; and

WHEREAS, Mr. Moore has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Mr. Moore's diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, recognizes Mr. Louis W. Moore, and extends on behalf of its members and the citizens of Chesterfield County, appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.1.1. RECOGNIZING THE CIVIL AIR PATROL ON ITS 62ND
ANNIVERSARY**

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, on December 1, 2003, the Civil Air Patrol, the civilian volunteer auxiliary of the U.S. Air Force, celebrated its 62nd anniversary in service to America; and

WHEREAS, the volunteer men and women of the Civil Air Patrol have served our nation in a variety of roles, including civil defense, emergency services, search and rescue, aerospace education and cadet programs; and

WHEREAS, the Civil Air Patrol, in its capacity as the official auxiliary of the U.S. Air Force, has been actively engaged in homeland security missions along our nation's borders and above our cities; and

WHEREAS, Civil Air Patrol pilots were in the skies after the terrorist attacks of September 11, 2001, and provided the first video images of the collapsed World Trade Center; and

WHEREAS, Civil Air Patrol pilots flew observation flights for law enforcement during the Olympic Games in Salt Lake City, as well as during the Columbia space shuttle tragedy, patrolling the entire length of the debris field working with the Federal Emergency Management Agency and NASA to search for the remains of the space shuttle and its crew; and

WHEREAS, the Civil Air Patrol Virginia Wing has 1,800 Virginians serving in its ranks and has established its headquarters at the Chesterfield County Airport.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, recognizes the exemplary dedication of the volunteers of the Civil Air Patrol and the invaluable service they provide to maintaining homeland security.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.2. AWARD A CONTRACT FOR COMMISSIONING SERVICES TO
ENVIRO-MANAGEMENT AND RESEARCH INCORPORATED COMPANY
FOR THE NEW COMMUNITY DEVELOPMENT BUILDING AND
CUSTOMER SERVICE CENTER**

On motion of Mr. Miller, seconded by Mr. McHale, the Board authorized the County Administrator to execute a contract with Enviro-Management and Research Incorporated Company (EMR), in the amount of \$132,500, for commissioning services for the new Community Development building.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.3. STATE ROAD ACCEPTANCE

On motion of Mr. Miller, seconded by Mr. McHale, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Greyfield Place, Section 4**

● **Greywater Court, State Route Number: 5565**

From: Greywater Dr., (Rt. 5564)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 12/14/1995 with the Office Of Clerk To Circuit Court in Pb.89; Pg.51, with a width of 43 Ft.

● **Greywater Drive, State Route Number: 5564**

From: Greyfield Dr., (Rt. 4954)

To: Greywater Ct., (Rt. 5565), a distance of: 0.10 miles.

Right-of-way record was filed on 12/14/1995 with the Office Of Clerk To Circuit Court in Pb.89; Pg.51, with a width of 43 Ft.

● **Greywater Drive, State Route Number: 5564**

From: Greywater Ct., (Rt. 5565)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 12/14/1995 with the Office Of Clerk To Circuit Court in Pb.89; Pg.51, with a width of 43 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Village Woods**

● **Laughlin Way, State Route Number: 5379**

From: Village Woods Ln., (Rt. 5378)

To: Maughan House Tr., (Rt. 5380), a distance of: 0.05 miles.

Right-of-way record was filed on 7/13/2001 with the Office Of Clerk To Circuit Court in Pb. 119; Pg. 25,
with a width of 50 Ft.

● **Maughan House Terrace, State Route Number: 5380**

From: Laughlin Wy., (Rt. 5379)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 7/13/2001 with the Office Of Clerk To Circuit Court in Pb. 119; Pg. 25,
with a width of 50 Ft.

● **Maughan House Terrace, State Route Number: 5380**

From: Laughlin Wy., (Rt. 5379)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 7/13/2001 with the Office Of Clerk To Circuit Court in Pb. 119; Pg. 25,
with a width of 50 Ft.

● **Village Woods Lane, State Route Number: 5378**

From: Harrowgate Rd. (Rt. 144)

To: Laughlin Wy., (Rt. 5379), a distance of: 0.10 miles.

Right-of-way record was filed on 7/13/2001 with the Office Of Clerk To Circuit Court in Pb. 119; Pg. 25,

with a width of 50 Ft.

● **Village Woods Lane, State Route Number: 5378**

From: Laughlin Wy., (Rt. 5379)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 7/13/2001 with the Office Of Clerk To Circuit Court in Pb. 119; Pg. 25,

with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Memphis Boulevard**

● **Memphis Boulevard, State Route Number: 936**

From: 0.20 Mi. N of Hull Street Rd., (Rt. 360)

To: 0.26 Mi. N of Hull Street Rd., (Rt. 360), a distance of: 0.06 miles.

Right-of-way record was filed on 8/8/2003 with the Office Of Clerk To Circuit Court in Db.5293; Pg 338,

with a width of 90 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision

Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **North Bailey Bridge Road**

● **North Bailey Bridge Road, State Route Number: 651**

From: Existing Intersection of North Bailey Bridge Rd., (Rt. 651) & Hull Street Rd., (Rt.360)

To: 0.07 Mi. N of Hull Street Rd., (Rt. 360), a distance of: 0.07 miles.

Right-of-way record was filed on 6/30/2000 with the Office Of Clerk To Circuit Court in Db.3855; Pg. 815 & Pg.818, with a width of Variable.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: Old Hundred Mill, Section D

● **Mill Bluff Drive, State Route Number: 6022**

From: Mill View Dr., (Rt. 4765)

To: Waterwheel Dr., (Rt. 5599), a distance of: 0.08 miles.

Right-of-way record was filed on 8/13/2001 with the Office Of Clerk To Circuit Court in Pb.119; Pg. 83,
with a width of 44 Ft.

● **Mill View Drive, State Route Number: 4765**

From: 0.10 Mi. E of Old Hundred Rd., (Rt. 754)

To: Mill Bluff Dr., (Rt. 6022), a distance of: 0.21 miles.

Right-of-way record was filed on 8/13/2001 with the Office Of Clerk To Circuit Court in Pb.119; Pg. 83,
with a width of Variable.

● **Millstep Terrace, State Route Number: 5598**

From: Waterwheel Dr., (Rt. 5599)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 8/13/2001 with the Office Of Clerk To Circuit Court in Pb.119; Pg. 83,
with a width of 40 Ft.

● **Millstep Terrace, State Route Number: 5598**

From: Waterwheel Dr., (Rt. 5599)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 8/13/2001 with the Office Of Clerk To Circuit Court in Pb.119; Pg. 83,
with a width of 40 Ft.

● **Waterwheel Drive, State Route Number: 5599**

From: Mill Bluff Dr., (Rt. 6022)

To: Waterwheel Drive [loop], (Rt. 6021), a distance of: 0.05 miles.

Right-of-way record was filed on 8/13/2001 with the Office Of Clerk To Circuit Court in Pb.119; Pg. 83,
with a width of 44 Ft.

● **Waterwheel Drive, State Route Number: 5599**

From: Waterwheel Drive [loop], (Rt. 6021)

To: Waterwheel Drive [loop], (Rt. 6021), a distance of: 0.02 miles.

Right-of-way record was filed on 8/13/2001 with the Office Of Clerk To Circuit Court in Pb.119; Pg. 83,
with a width of 44 Ft.

● **Waterwheel Drive, State Route Number: 5599**

From: Waterwheel Drive [loop], (Rt. 6021)

To: 0.07 Mi. S of Waterwheel Drive [loop], (Rt. 6021), a distance of: 0.07 miles.

Right-of-way record was filed on 8/13/2001 with the Office Of Clerk To Circuit Court in Pb.119; Pg. 83,
with a width of 44 Ft.

● **Waterwheel Drive, State Route Number: 5599**

From: Mill Bluff Dr., (Rt. 6022)

To: Millstep Tr., (Rt. 5598), a distance of: 0.11 miles.

Right-of-way record was filed on 8/13/2001 with the Office Of Clerk To Circuit Court in Pb.119; Pg. 83,
with a width of 44 Ft.

● **Waterwheel Drive [loop], State Route Number: 6021**

From: Waterwheel Dr., (Rt. 5599)

To: Waterwheel Dr., (Rt. 5599), a distance of: 0.04 miles.

Right-of-way record was filed on 8/13/2001 with the Office Of Clerk To Circuit Court in Pb.119; Pg. 83,
with a width of 44 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Jessup Meadows, Section D**

● **Jessup Meadows Drive, State Route Number: 3928**

From: Zion Ridge Dr., (Rt. 5275)

To: 0.29 Mi. S of Zion Ridge Dr., (Rt. 5275), a distance of: 0.29 miles.

Right-of-way record was filed on 11/14/2002 with the Office Of Clerk To Circuit Court in Pb. 130; Pg. 28,
with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Windsor Park, Section 6**

● **Princess Mary Place, State Route Number: 5575**

From: Princess Mary Rd., (Rt. 4359)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 11/23/1998 with the Office Of Clerk To Circuit Court in Pb.101; Pg. 92,
with a width of 50 Ft.

● **Princess Mary Place, State Route Number: 5575**

From: Princess Mary Rd., (Rt. 4359)

To: Trumpington Ct., (Rt. 5576), a distance of: 0.10 miles.

Right-of-way record was filed on 11/23/1998 with the Office Of Clerk To Circuit Court in Pb.101; Pg. 92,
with a width of 50 Ft.

● **Princess Mary Road, State Route Number: 4359**

From: 0.03 Mi. W of Princess Mary Tr., (Rt. 4397)

To: Princess Mary Pl., (Rt. 5575), a distance of: 0.15 miles.

Right-of-way record was filed on 11/23/1998 with the Office Of Clerk To Circuit Court in Pb.101; Pg. 92,
with a width of 50 Ft.

● **Trumpington Court, State Route Number: 5576**

From: Princess Mary Pl., (Rt. 5575)

To: Cul-de-sac, a distance of: 0.14 miles.

Right-of-way record was filed on 11/23/1998 with the Office Of Clerk To Circuit Court in Pb.101; Pg. 92,
with a width of 50 Ft.

● **Trumpington Court, State Route Number: 5576**

From: Princess Mary Pl., (Rt. 5575)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 11/23/1998 with the Office Of Clerk To Circuit Court in Pb.101; Pg. 92,

with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Stonehenge Mews**

● **Blakeston Court, State Route Number: 2630**

From: 0.02 Mi. SW of Blakeston Dr., (Rt. 2752)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 2/7/2002 with the Office Of Clerk To Circuit Court in Pb.123; Pg. 71, with

a width of 50 Ft.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.4. SET DATE FOR PUBLIC HEARINGS

8.C.4.a. TO CONSIDER AMENDMENTS TO THE PLAN FOR CHESTERFIELD RELATING TO THE ETTRICK VILLAGE PLAN AND RELATED ZONING ORDINANCES

On motion of Mr. Miller, seconded by Mr. McHale, the Board set the date of January 14, 2004 at 7:00 p.m. for a public hearing to consider amendments to The Plan for Chesterfield relating to the Ettrick Village Plan and related zoning ordinances.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.4.c. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE RUFFIN MILL-PHASE II WATERLINE PROJECT

On motion of Mr. Miller, seconded by Mr. McHale, the Board set the date of January 14, 2004 at 7:00 p.m. for a public hearing to consider the exercise of eminent domain for the acquisition of permanent and temporary construction easements for the Ruffin Mill-Phase II Waterline Project.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.5. AWARD OF PROPOSAL FOR THE DEVELOPMENT AND OPERATION OF A WOOD WASTE PROCESSING AND/OR COMPOSTING FACILITY AT THE SOUTHERN AREA TRANSFER STATION

On motion of Mr. Miller, seconded by Mr. McHale, the Board authorized the County Administrator to accept a proposal from Shoosmith Brothers, Incorporated for the development and operation of a wood waste processing and/or composting facility at the Southern Area Transfer Station. (It is noted this is a multi-year proposal that will be contracted in one-year increments.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.6. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.C.6.a. FROM THE DALE DISTRICT IMPROVEMENT FUND TO THE CHESTERFIELD COUNTY SCHOOL BOARD TO PURCHASE CAMERAS FOR THE PHOTOGRAPHY DEPARTMENT AT MEADOWBROOK HIGH SCHOOL

On motion of Mr. Miller, seconded by Mr. McHale, the Board transferred \$1,700 from the Dale District Improvement Fund to the Chesterfield County School Board to purchase cameras for the Photography Department at Meadowbrook High School.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.6.b. FROM THE BERMUDA DISTRICT IMPROVEMENT FUND

8.C.6.b.1. TO THE CHESTERFIELD PUBLIC LIBRARY TO PURCHASE BOOKS ON COMPACT DISCS FOR THE CHESTER/ENON LIBRARY

On motion of Mr. Miller, seconded by Mr. McHale, the Board transferred \$1,000 from the Bermuda District Improvement Fund to the Chesterfield Public Library to purchase books on compact discs for the Chester/Enon Library.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.6.b.2. TO THE CHESTERFIELD COUNTY FIRE DEPARTMENT TO
UPGRADE THE EXERCISE FACILITIES AT THE DUTCH GAP
STATION**

On motion of Mr. Miller, seconded by Mr. McHale, the Board transferred \$16,500 from the Bermuda District Improvement Fund to the Chesterfield County Fire Department to upgrade the exercise facilities at the Dutch Gap Station.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.6.b.3. TO THE CHESTERFIELD COUNTY SCHOOL BOARD TO
PURCHASE "THE EDUCATIONAL ENRICHMENT PACKAGE"
FOR SIX CHESTERFIELD COUNTY HIGH SCHOOLS**

On motion of Mr. Miller, seconded by Mr. McHale, the Board transferred \$1,800 from the Bermuda District Improvement Fund to the Chesterfield County School Board to purchase "The Educational Enrichment Package" for six Chesterfield County high schools.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.7. APPROVAL OF OPTION AGREEMENT WITH GEORGE EMERSON, ET
AL. AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
CHESTERFIELD COUNTY TO PURCHASE 145 ACRES IN THE
BERMUDA MAGISTERIAL DISTRICT AND APPROPRIATION OF
FUNDS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY**

On motion of Mr. Miller, seconded by Mr. McHale, the Board approved an option agreement with George Emerson, et al. and the Industrial Development Authority (IDA) of Chesterfield County to purchase 145 acres in the Bermuda Magisterial District, and appropriated \$50,000 to the IDA for the option. (It is noted a copy of the option agreement is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.8. AWARD OF CONSTRUCTION CONTRACT TO CASPER COLOSIMO AND
SON, INCORPORATED FOR THE BAILEY BRIDGE FORCEMAIN -
PHASE III PROJECT**

On motion of Mr. Miller, seconded by Mr. McHale, the Board awarded a construction contract to Casper Colosimo and Son, Incorporated, in the amount of \$1,721,354, for the Bailey Bridge Forcemain - Phase III Project, and authorized the County Administrator to execute the necessary documents.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.9. ACCEPTANCE OF PARCELS OF LAND

**8.C.9.a. ALONG THE WEST RIGHT OF WAY LINE OF OTTERDALE ROAD
FROM CAROL W. BERGER**

On motion of Mr. Miller, seconded by Mr. McHale, the Board accepted the conveyance of a parcel of land containing 0.530

acres along the west right of way line of Otterdale Road (State Route 667) from Carol W. Berger, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.9.b. FOR THE EXTENSION OF WOOLRIDGE ROAD FROM SALVATORE J. CANGIANO

On motion of Mr. Miller, seconded by Mr. McHale, the Board accepted the conveyance of two parcels of land containing a total of 7.226 acres for the extension of Woolridge Road from Salvatore J. Cangiano, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.9.c. ALONG THE SOUTH RIGHT OF WAY LINE OF ECOFF AVENUE FROM IRENE W. CARNES AND JOSEPH E. JACKSON

On motion of Mr. Miller, seconded by Mr. McHale, the Board accepted the conveyance of a parcel of land containing 0.118 acres along the south right of way line of Ecoff Avenue (State Route 1502) from Irene W. Carnes and Joseph E. Jackson, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.9.d. ALONG THE WEST RIGHT OF WAY LINE OF WEST HUNDRED ROAD FROM IRENE W. CARNES

On motion of Mr. Miller, seconded by Mr. McHale, the Board accepted the conveyance of a parcel of land containing 0.013 acres along the west right of way line of West Hundred Road (State Route 10) from Irene W. Carnes, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.9.e. ALONG THE WEST RIGHT OF WAY LINE OF BELMONT ROAD FROM THE TRUSTEES OF CHURCH OF GOD AT ALPHA Y OMEGA

On motion of Mr. Miller, seconded by Mr. McHale, the Board accepted the conveyance of a parcel of land containing 0.740 acres along the west right of way line of Belmont Road from Trustees of Church of God at Alpha Y Omega, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.9.f. ALONG THE WEST RIGHT OF WAY LINE OF OTTERDALE ROAD
FROM JOHN S. HINES AND ROSALIE O. HINES**

On motion of Mr. Miller, seconded by Mr. McHale, the Board accepted the conveyance of a parcel of land containing 0.272 acres along the west right of way line of Otterdale Road (State Route 667) from John S. Hines and Rosalie O. Hines, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.9.g. ALONG THE EAST RIGHT OF WAY LINE OF OTTERDALE ROAD
AND THE EAST RIGHT OF WAY LINE OF WOOLRIDGE ROAD
FROM STOPF MONTEZ DEVELOPMENT, L.L.C.**

On motion of Mr. Miller, seconded by Mr. McHale, the Board accepted the conveyance of four parcels of land containing a total of 0.472 acres along the east right of way line of Otterdale Road (State Route 667) and the east right of way line of Woolridge Road (State Route 668) from Stopf Montez Development, L.L.C., and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.9.h. ALONG THE WEST RIGHT OF WAY LINE OF WOOLRIDGE ROAD
FROM RICHARD W. STOPF AND LINDA K. STOPF**

On motion of Mr. Miller, seconded by Mr. McHale, the Board accepted the conveyance of a parcel of land containing 0.093 acres along the west right of way line of Woolridge Road (State Route 668) from Richard W. Stopf and Linda K. Stopf, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.9.i. ALONG THE EAST RIGHT OF WAY LINE OF OTTERDALE ROAD
FROM ROBERT W. GLASS AND CATHERINE L. GLASS**

On motion of Mr. Miller, seconded by Mr. McHale, the Board accepted the conveyance of a parcel of land containing 0.063 acres along the east right of way line of Otterdale Road (State Route 667) from Robert W. Glass and Catherine L. Glass, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.10. REQUEST TO QUITCLAIM PORTIONS OF A SIXTEEN-FOOT SEWER EASEMENT ACROSS THE PROPERTY OF HARBOURSIDE CENTRE, LLC

On motion of Mr. Miller, seconded by Mr. McHale, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate portions of a sixteen-foot sewer easement across the property of Harbourside Centre, LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.11. APPROVAL OF WETLANDS MITIGATION AGREEMENTS WITH JAMES RIVER MITIGATION LANDBANK, LLC

8.C.11.a. FOR THE EXTENSION OF MT. HERMON ROAD AT HORNER PARK

On motion of Mr. Miller, seconded by Mr. McHale, the Board authorized the County Administrator to execute a Wetlands Mitigation Agreement with James River Mitigation Landbank, LLC for the extension of Mt. Hermon Road at Horner Park.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.11.b. FOR THE BAILEY BRIDGE FORCE MAIN PROJECT

On motion of Mr. Miller, seconded by Mr. McHale, the Board authorized the County Administrator to execute a Wetlands Mitigation Agreement with James River Mitigation Landbank, LLC for the Bailey Bridge Force Main Project.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.12. REQUEST TO QUITCLAIM A VARIABLE WIDTH STORM WATER MANAGEMENT/BEST MANAGEMENT PRACTICE EASEMENT AND A THIRTY-FOOT STORM WATER MANAGEMENT/BEST MANAGEMENT PRACTICE ACCESS EASEMENT ACROSS THE PROPERTY OF JIM AND DEBORAH YORKE, L.L.C.

On motion of Mr. Miller, seconded by Mr. McHale, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a variable width storm water management/best management practice easement and a 30-foot storm water management/best management practice access easement across the property of Jim and Deborah Yorke, L.L.C. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.13. REQUEST PERMISSION FROM SWIFT CREEK ASSOCIATES, L.P. FOR LIGHT POLES TO ENCROACH WITHIN A SIXTEEN-FOOT DRAINAGE EASEMENT

On motion of Mr. Miller, seconded by Mr. McHale, the Board approved a request from Swift Creek Associates, L.P. for permission for light poles to encroach within a 16-foot

drainage easement, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.14. APPROVAL OF UTILITY CONTRACT FOR FIVE FORKS VILLAGE SOUTH, SECTION 2 AND OFFSITE SEWER PROJECT

On motion of Mr. Miller, seconded by Mr. McHale, the Board approved the following utility contract for Five Forks Village South, Section 2 and Offsite Sewer, Contract Number 02-0045:

Developer: Cascade Creek Homes, Incorporated
Contractor: Bookman Construction
Contract Amount:
Estimated County Cost for Oversizing (Water) . \$34,904.00
Estimated County Cost for Oversizing
(Wastewater) \$22,135.00
Estimated County Cost for Offsite
(Wastewater) \$17,550.00
Estimated Developer Cost \$492,944.00
Estimated Total. \$567,533.00
Code: (Refunds thru Connections - Oversizing) 5N-572VO-E4C
(Refunds thru Connections - Oversizing) 5B-572VO-E4C
(Refunds thru Connections - Offsite) 5N-572VO-E4D
District: Dale

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

The following item was removed from the Consent Agenda for Board discussion:

8.C.4.b. TO CONSIDER INCREASING THE APPROPRIATION OF ANTICIPATED REIMBURSEMENTS FOR HURRICANE ISABEL DEBRIS PICK-UP PROGRAM

Mr. Warren stated he is an employee of the Virginia Department of Emergency Management, declared a conflict of interest under the Virginia Conflict of Interest Act regarding this issue, and declined to participate in the matter.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board set the date of January 14, 2004 at 7:00 p.m. for a public hearing to consider increasing the appropriation of anticipated reimbursements from FEMA and the State Department of Emergency Management by an additional \$10,500,000 for Hurricane Isabel debris pick-up.

Ayes: McHale, Barber, Humphrey and Miller.
Nays: None.
Absent: Warren.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON THE DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. REPORT ON ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board approved the following reports: A report on Developer Water and Sewer Contracts; and a Report on the Status of the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the state secondary system:

<u>ADDITION</u>	<u>LENGTH</u>
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ARBOR LANDING, SECTION 6
(Effective 10/10/03)

Arbor Point Terrace (Route 5570) - From Drayton Landing Drive (Route 5568) to Cul-de-sac	0.05 Mi
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Drayton Landing Court (Route 5569) - From Drayton Landing Drive (Route 5568) to Cul-de-sac	0.06 Mi
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Drayton Landing Drive (Route 5568) - From Ironbridge Parkway (Route 1569) to Drayton Landing Court (Route 5569)	0.04 Mi
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Drayton Landing Drive (Route 5568) - From Drayton Landing Court (Route 5569) to Arbor Point Terrace (Route 5570)	0.05 Mi
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Drayton Landing Drive (Route 5568) - From Arbor Point Terrace (Route 5570) to Cul-de-sac	0.07 Mi
--	---------

BON AIR VILLAS
(Effective 10/17/03)

Waters Mill Drive (Route 830) - From 0.04 mile north of Old Bon Air/Rockaway Road (Route 718) to Cul-de-sac	0.05 Mi
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CARTERS MILL, SECTION 6
(Effective 10/10/03)

Carters Creek Drive (Route 6003) - From 0.05 mile south of Carters Valley Road (Route 6009) to Cul-de-sac	0.14 Mi
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COBBS POINT, SECTION 1
(Effective 10/10/03)

Cobbs Point Drive (Route 5522) - From Cobbs Point Way (Route 5523) to Cul-de-sac 0.08 Mi

Cobbs Point Drive (Route 5522) - From Enon Church Road (Route 746) to Cobbs Point Way (Route 5523) 0.13 Mi

Cobbs Point Way (Route 5523) - From Cobbs Point Drive (Route 5522) to Cul-de-sac 0.06 Mi

FOREST HILL MANOR
(Effective 10/28/03)

Bendemeer Road (Route 2058) - From 0.05 mile west of Tuscora Road (Route 1975) to Cul-de-sac 0.09 Mi

GLEN RIDGE, SECTION 1
(Effective 10/10/03)

Glen Ridge Court (Route 5577) - From Village Square Parkway (Route 3867) to Cul-de-sac 0.08 Mi

JESSUP STATION
(Effective 10/17/03)

Holden Road (Route 5559) - From Jessup Station Drive (Route 5560) to Cul-de-sac 0.04 Mi

Holden Road (Route 5559) - From Jessup Station Drive (Route 5560) to 0.09 mile west of Jessup Station Drive (Route 5560) 0.09 Mi

Jessup Station Court (Route 5557) - From Jessup Station Drive (Route 5560) to Cul-de-sac 0.09 Mi

Jessup Station Drive (Route 5560) - From Jessup Station Place (Route 5558) and Jessup Station Court (Route 5557) 0.05 Mi

Jessup Station Drive (Route 5560) - From Jessup Station Place (Route 5558) and Jessup Station Court (Route 5557) to Holden Road (Route 5559) 0.07 Mi

Jessup Station Place (Route 5558) - From Jessup Station Drive (Route 5560) to Cul-de-sac 0.03 Mi

MONTCLAIR, SECTION 1, PHASE 1
(Effective 10/10/03)

Bermuda Orchard Road (Route 828) - From Greymont Lane (Route 5572) to 0.02 mile south of Greymont Lane (Route 5572) 0.02 Mi

Bermuda Orchard Road (Route 828) - From Martineau Drive (Route 4877) to Greyshire Drive (Route 5571) 0.22 Mi

Bermuda Orchard Road (Route 828) - From Greyshire Drive (Route 5571) to Greymont Lane (Route 5572) 0.18 Mi

Greymont Lane (Route 5572) - From Bermuda Orchard Lane (Route 828) to Greyshire Drive (Route 5571) 0.20 Mi

Greynshire Drive (Route 5571) - From Greymont Lane
(Route 5572) to 0.18 mile east of Greymont Lane
(Route 5572) 0.18 Mi

Greynshire Drive (Route 5571) - From Bermuda
Orchard Road (Route 828) to Greymont Lane (Route
5572) 0.22 Mi

SOUTHCREEK, SECTION 6
(Effective 10/10/03)

Grand Forest Terrace (Route 5567) - From Pleasant
Creek Drive (Route 5566) to Cul-de-sac 0.25 Mi

Pleasant Creek Drive (Route 5566) - From Grand
Forest Terrace (Route 5567) to 0.03 mile south
of Grand Forest Terrace (Route 5567) 0.03 Mi

Pleasant Creek Drive (Route 5566) - From Walthall
Creek Drive (Route 4067) to Cul-de-sac 0.09 Mi

Pleasant Creek Drive (Route 5566) - From Walthall
Creek Drive (Route 4067) to Grand Forrest
Terrace (Route 5567) 0.09 Mi

Walthall Creek Drive (Route 4067) - From 0.03
mile south of Majestic Creek Drive (Route 4516)
to Pleasant Creek Drive (Route 5566) 0.04 Mi

WHITESTONE, SECTION 4

Scottingham Drive (Route 2728) - From Wadsworth
Drive (Route 2687) to Trickling Creek Road (Route
5582) 0.06 Mi

Trickling Creek Road (Route 5582) - From
Scottingham Drive (Route 2728) to Cul-de-sac 0.12 Mi

WILLESSEN AT STONEHENGE

Farnham Circle (Route 5574) - From Farnham Drive
(Route 2561) to Farnham Drive (Route 2561) 0.12 Mi

Farnham Court (Route 5573) - From Farnham Drive
(Route 2561) to Farnham Drive (Route 2561) 0.05 Mi

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**11. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(1),
CODE OF VIRGINIA, 1950, AS AMENDED, RELATING TO THE
PERFORMANCE OF A SPECIFIC EMPLOYEE OF THE COUNTY**

On motion of Mr. McHale, seconded by Mr. Warren, the Board
went into a Closed Session pursuant to Section 2.2-
3711(A)(1), Code of Virginia, 1950, as amended, relating to
the performance of a specific employee of the county.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Reconvening:

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Miller: Aye.
Mrs. Humphrey: Aye.
Mr. Barber: Aye.
Mr. McHale: Aye.
Mr. Warren: Aye.

12. DINNER

On motion of Mr. Barber, seconded by Mr. McHale, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Reconvening:

13. INVOCATION

Reverend Calvin Eaves, Pastor of Clover Hill Baptist Church, gave the invocation.

14. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Eagle Scouts Thomas Anthony Fletcher, Jr. and Matthew William Piper led the pledge of allegiance to the flag of the United States of America.

15. RESOLUTIONS AND SPECIAL RECOGNITIONS

**15.A. RECOGNIZING MRS. SUSAN R. KALANGES FOR HER SERVICE ON
THE CHESTERFIELD COMMUNITY SERVICES BOARD**

Mr. Braunstein introduced Mrs. Susan Kalanges who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mrs. Susan R. Kalanges, representing the Bermuda Magisterial District, has served as a dedicated and faithful member of the Chesterfield Community Services Board since her appointment by the Board of Supervisors in May 1992; and

WHEREAS, during her three terms as a member of the Chesterfield Community Services Board, Mrs. Kalanges has served with distinction on the Executive Committee in the office of Secretary, and the office of Vice Chair as well as Chair of the Program Committee and Finance Committee, and member of the Audit Committee, Residential Ad Hoc Committee, Research Committee, and the Member SMI Planning Team; and

WHEREAS, on behalf of the Chesterfield Community Services Board, Mrs. Kalanges has been active on the state level as the HPR IV Representative at state budget hearings and is recognized as an articulate advocate for quality behavioral health care; and

WHEREAS, Mrs. Kalanges has for a number of years been an active volunteer and concerned citizen of Chesterfield County, serving in numerous leadership capacities including the Board of Chesterfield Citizens for People with Retardation, St. Paul's Church Committee for Hull Street Shelter for the Homeless, and the Army Community Services; and

WHEREAS, Mrs. Kalanges has been appointed by the Governor to the Board of the Virginia Office of Protection and Advocacy and serves on the Board of the Commonwealth Community Trust; and

WHEREAS, Mrs. Kalanges is acknowledged locally and throughout the Commonwealth for her steadfast dedication and genuine concern for persons with mental disabilities.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mrs. Susan R. Kalanges and expresses sincere appreciation for her many years of commitment and significant contributions in the provision of quality mental health, mental retardation and substance abuse services to the citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mrs. Kalanges and that this resolution be permanently recorded among the papers of the Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Mrs. Kalanges, accompanied by her husband, Mr. Braunstein, and Mr. Thomas "Mac" Deadmore, former Chairman of the Community Services Board, and expressed appreciation for her dedicated service on the Chesterfield Community Services Board.

Mrs. Kalanges expressed appreciation to the Board for the learning experience she received while serving on the Community Services Board.

Mr. Deadmore expressed appreciation to Mrs. Kalanges for her dedicated service.

15.B. RECOGNIZING MR. JAMES KALANGES FOR HIS SERVICE ON THE CHESTERFIELD COUNTY SOLID WASTE ADVISORY COMMITTEE

Mr. Pitaro introduced Mr. James Kalanges who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. James Kalanges represented the Bermuda District as a member of the Chesterfield County Solid Waste Advisory Committee from March 1995 to November 2003; and

WHEREAS, Mr. Kalanges provided guidance and assistance in the development of the county's curbside recycling program; and

WHEREAS, Mr. Kalanges provided valuable insight while helping to establish the strategic plan for the Division of Waste and Resource Recovery; and

WHEREAS, Mr. Kalanges was always cognizant of the important roles played by both the county and the private collectors in providing environmentally safe solid waste management systems in the county; and

WHEREAS, Mr. Kalanges provided wise and professional guidance to staff on all areas of solid waste management during his tenure on the Solid Waste Advisory Committee; and

WHEREAS, the division will continue to work with the solid waste industry to provide county residents with the best refuse collection services available.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly expresses its sincere gratitude and appreciation to Mr. James Kalanges for his service to the county as a member of the Solid Waste Advisory Committee representing the Bermuda District.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution is presented to Mr. Kalanges and that this resolution be permanently recorded among the paper of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Mr. Kalanges, accompanied by his wife, and expressed appreciation for his dedicated service on the Solid Waste Advisory Committee.

Mr. Kalanges expressed appreciation to Mr. McHale for the opportunity to serve the county, and also to the waste and recovery staff for their extraordinary efforts following Hurricane Isabel.

15.D. RECOGNIZING MR. PHILLIP G. CUNNINGHAM FOR TWELVE YEARS OF SERVICE ON THE CHESTERFIELD PLANNING COMMISSION

Mr. Jacobson introduced Mr. Phillip Cunningham who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Phillip G. Cunningham diligently and effectively served Chesterfield County as the Planning Commissioner from Bermuda District from January 1992 to December 2003; and

WHEREAS, Mr. Cunningham provided strong leadership on the shaping of the growth, development and improvement of Bermuda District and the entire county during these twelve years; and

WHEREAS, Mr. Cunningham actively worked for the improvement of the Jefferson Davis Corridor by hosting community discussions that led to the adoption of the Jefferson Davis Corridor Plan; developing unique zoning and development standards for the corridor; and participating in discussions that resulted in the creation of the Jefferson Davis Enterprise Zone; and

WHEREAS, Mr. Cunningham actively participated in the formation and development of the Jefferson Davis Association; tirelessly participated in its numerous early morning meetings; and significantly contributed to many of the association's successful projects; and

WHEREAS, Mr. Cunningham was an active participant in the zoning and approval of the award winning Winchester Greens project; and

WHEREAS, Mr. Cunningham diligently worked for the improvement of the Village of Chester through negotiation and successful approval of detailed quality development standards for the Chester Village Green project; the village-style design standards for the entire village area; the successful siting of the library adjacent to the village green; and the renovation of Thomas Dale High School; and

WHEREAS, Mr. Cunningham actively negotiated many zoning cases, site plan and subdivision appeals which set a quality standard for the entire Bermuda District; and

WHEREAS, Mr. Cunningham successfully participated in the community discussion and development of the Riverfront Plan, Southern Jefferson Davis Corridor Plan, Consolidated Eastern Area Plan, Southern and Western Area Plan, and related ordinances; and

WHEREAS, Mr. Cunningham supported numerous planning projects which improved the quality of life for all county citizens; among these were public facility plans and

projects, water quality plans and standards, park plans and projects, growth management initiatives, detailed communication tower standards, and detailed zoning and subdivision standards; and

WHEREAS, Mr. Cunningham's contribution and leadership on Planning Commission committees including the sign ordinance and manufactured home park issues was especially meritorious; and

WHEREAS, Mr. Cunningham excelled at working with citizens, developers, and county staff towards the development of high quality projects for the benefit of present and future residents.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Phillip G. Cunningham and honors his contributions to the citizens of Chesterfield County.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Mr. Cunningham, accompanied by his wife, and expressed appreciation for his contributions to the growth and development of Chesterfield County.

Mr. Cunningham expressed appreciation to the Board for the privilege of serving on the Planning Commission and also to county staff and his wife for their support.

**15.E. RECOGNIZING THE HONORABLE JACK MCHALE FOR HIS
DISTINGUISHED SERVICE ON THE CHESTERFIELD COUNTY BOARD
OF SUPERVISORS**

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Jack McHale was elected to the Chesterfield County Board of Supervisors representing the Bermuda District beginning in January 1992 and served continuously until December 2003, twice winning re-election; and

WHEREAS, Mr. McHale served as Vice Chairman from January-September 1994 and again in 2003, and as Chairman in 1995; and

WHEREAS, Mr. McHale is widely respected for his integrity, judgment and commitment to providing his constituents and all the residents of Chesterfield County with the best possible local government services at the lowest possible cost; and

WHEREAS, during his tenure on the Board, Mr. McHale was instrumental in obtaining Community Block Grant funds for the Bensley/Bermuda Volunteer Rescue Squad; the Bensley Community Building expansion; the Bensley Community Center Operations; Bensley Volunteer Fire Department vehicles; equipment for the Centralia Fire Department; Communities In Schools; the Crescent Park Sewer Line Extension; the Jefferson Davis Enterprise Center; the Winchester Green Child Development Center; the Regional Community Leadership Program; Youth Programs and more; and

WHEREAS, with Mr. McHale's leadership, important technology upgrades were accomplished for Bellwood, Bensley, Gates, Curtis, Ecoff, Enon and Harrowgate elementary schools and for Chester Middle School, along with Thomas Dale High School; and

WHEREAS, Mr. McHale initiated streetlight installations, Parks and Recreation improvements, many community events and a wide array of other quality-of-life improvements in the Bermuda District; and

WHEREAS, during his service on the Board, Mr. McHale was a stalwart advocate for reducing the county's real estate tax rate, which was reduced twice by the Board of Supervisors; and

WHEREAS, Mr. McHale has served the county and the region in such diverse and vital organizations as the Appomattox Basin Industrial Development Corporation; the James River Advisory Council; the Carpenter Center Board of Directors; the Richmond Metropolitan Convention and Visitors Board of Directors and Executive Committee; the Richmond Regional Planning District Commission; the Budget and Audit Committee; the Chesterfield-Colonial Heights Social Services Board; the School Board Liaison Committee; the Capital Region Airport Commission; and the Courts Space and Family Courts Committee; and

WHEREAS, Mr. McHale was instrumental in the opening of the new Chester Library, the Jefferson Davis District Police Station and the Small Arms Training Facility used by the county's Public Safety personnel; and

WHEREAS, during his service on the Board of Supervisors, important regional projects reached fruition, including the new Greater Richmond Convention Center, which is the largest regional center in Virginia; the widening of Chippenham Parkway from Hull Street Road to Jefferson Davis Highway; the widening of Chippenham Parkway from Powhite Parkway to Hull Street Road; new business locations and expansions totaling nearly \$2 billion in new investments and more than 30,000 new jobs; and

WHEREAS, Mr. McHale was one of the original proponents of Chesterfield County's "Total Quality" initiative, which has led to AAA bond ratings from all three major bond rating agencies; attainment of the prestigious U. S. Senate Productivity and Quality Award; the Award for Continuing Excellence and many other awards; and

WHEREAS, Mr. McHale will conclude his service on the Board of Supervisors on December 31, 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield Board of Supervisors, this 17th day of December 2003, on behalf of the grateful citizens of Chesterfield County, extends its sincere appreciation to Mr. Jack McHale for his selfless and dedicated public service, and wishes him much happiness and continued success in all his endeavors.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Mr. McHale, accompanied by his wife and son, expressed appreciation for his 12 years of distinguished service as a member of the Chesterfield County Board of Supervisors, and wished him well in the future.

Mr. McHale expressed appreciation to Board members, Bermuda District citizens and his wife for their support.

A standing ovation followed.

15.F. PRESENTATION BY THE JEFFERSON DAVIS ASSOCIATION TO THE HONORABLE JACK MCHALE

Mr. Bryan Walker presented Mr. McHale with a plaque from the Jefferson Davis Association in appreciation of his contributions to the redevelopment of the Jefferson Davis corridor and his valued service to the community.

Mr. McHale expressed appreciation to the Jefferson Davis Association for the recognition and also to Mr. Walker his contributions to the community.

15.G. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT

15.G.1. MATTHEW JUSTIN MELFA, MIDLOTHIAN DISTRICT

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Matthew Justin Melfa, Troop 829, sponsored by Saint Matthias' Episcopal Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Matthew has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Matthew Justin Melfa, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

(It is noted Mr. Melfa was unable to attend the meeting and the resolution and patch will be forwarded to him.)

15.G.2. BRENT ALEXANDER MATHISEN, MIDLOTHIAN DISTRICT

Mr. Hammer introduced Mr. Brent Mathisen who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Brent Alexander Mathisen, Troop 876, sponsored by Mount Pisgah United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Brent has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Brent Alexander Mathisen, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. Mathisen, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Mathisen expressed appreciation to the Board for the recognition and also to his parents, Scoutmasters, friends and others for their support.

15.G.3. MICHAEL GILBERT MCDONOUGH, MIDLOTHIAN DISTRICT

Mr. Hammer introduced Mr. Michael McDonough who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Michael Gilbert McDonough, Troop 876, sponsored by Mount Pisgah United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Michael has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Michael Gilbert McDonough, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. McDonough, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. McDonough expressed appreciation to his church, family, friends and fellow scouts for their support.

15.G.4. ANDREW BRANNING KIRK, MIDLOTHIAN DISTRICT

Mr. Hammer introduced Mr. Andrew Kirk who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Andrew Branning Kirk, Troop 876, sponsored by Mount Pisgah United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Drew has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Andrew Branning Kirk, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. Kirk, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Kirk expressed appreciation to his parents and members of his troop for their support.

15.G.5. MICHAEL ANDREW SIDELL, MATOACA DISTRICT

Mr. Hammer introduced Mr. Michael Sidell who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community,

being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Michael Andrew Sidell, Troop 876, sponsored by Mount Pisgah United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Michael has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Michael Andrew Sidell, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. Sidell, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Sidell expressed appreciation to the Board for the recognition and also to his family, friends and members of his troop for their support.

15.G.6. THOMAS ANTHONY FLETCHER, JR., MATOACA DISTRICT

Mr. Hammer introduced Mr. Thomas Fletcher, Jr., who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Thomas Anthony Fletcher, Jr., Troop 890, sponsored by The Brandermill Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Tom has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Thomas Anthony Fletcher, Jr., extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. Fletcher, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Fletcher expressed appreciation to his parents, friends and others for their support.

15.G.7. MATTHEW WILLIAM PIPER, CLOVER HILL DISTRICT

Mr. Hammer introduced Mr. Matthew Piper who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Matthew William Piper, Troop 890, sponsored by The Brandermill Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Matthew has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Matthew William Piper, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. Piper, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Piper expressed appreciation to his family, scout leaders and others for their support.

15.G.8. BRANDON-WILLIAM DAVID HAWKINS, BERMUDA DISTRICT

Mr. Hammer introduced Mr. Brandon-William Hawkins who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Brandon-William David Hawkins, Troop 819, sponsored by Saint John's Episcopal Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Brandon has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Brandon-William David Hawkins, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. Hawkins, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Hawkins expressed appreciation to his family, Scoutmaster and members of his troop for their support.

15.G.9. GERALD TROY BEDFORD, BERMUDA DISTRICT

Mr. Hammer introduced Mr. Gerald Bedford who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Gerald Troy Bedford, Troop 886, sponsored by Trinity United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Gerald has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Gerald Troy Bedford, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. Bedford, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Bedford expressed appreciation to his parents and scoutmaster for their support.

15.G.10. MATTHEW RYAN DEFIBAUGH, DALE DISTRICT

Mr. Hammer introduced Mr. Matthew Defibaugh who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Matthew Ryan Defibaugh, Troop 886, sponsored by Trinity United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Matthew has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Matthew Ryan Defibaugh, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. Defibaugh, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Defibaugh expressed appreciation to his family, fellow scouts and others for their support.

15.G.11. SHANE MICHAEL ROWLEY, DALE DISTRICT

Mr. Hammer introduced Mr. Shane Rowley who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Shane Michael Rowley, Troop 886, sponsored by Trinity United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Shane has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 17th day of December 2003, publicly recognizes Mr. Shane Michael Rowley, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale and Mrs. Humphrey presented the executed resolution and patch to Mr. Rowley, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Rowley expressed appreciation to his family, scout leaders, fellow scouts and others for their support.

16. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 18

03SN0200

In Matoaca Magisterial District, ROCK VIEW HOMES, INC. requests rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District.

The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2 units per acre or less. This request lies on 157.6 acres fronting in two (2) places for a total of approximately 550 feet on the west line of Otterdale Road, approximately 600 feet south of Broadmoore Road. Tax IDs 707-682-4055, 708-681-7138 and 708-683-1628 and 6612 (Sheets 8, 9, 14 and 15).

Mr. Jacobson presented a summary of Case 03SN0200 and stated the applicant has requested a deferral until January 28, 2004.

Mr. John Easter, representing the applicant, requested a deferral until January 28, 2004.

Mr. Warren called for public comment.

No one came forward to speak to the deferral.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board deferred Case 03SN0200 until January 28, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

04SN0107

In Dale Magisterial District, JACOBS GLENN LC requests amendment to zoning (Case 00SN0266) and amendment of zoning district map to eliminate the requirement to provide an emergency access. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre. This request lies in a Residential (R-12) District on 30.0 acres fronting approximately 800 feet on the west line of Newbys Bridge Road approximately 100 feet south of Valencia Road, also lying at the eastern terminus of Jacobs Bend Drive. Tax ID 759-684-2733 (Sheet 11).

Mr. Jacobson stated Mr. Miller is requesting a deferral until March 10, 2004.

Ms. Kristen Keatley, representing the applicant, stated that the deferral is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the deferral.

Mr. Miller stated he is requesting a deferral until the Board has had an opportunity to consider the subdivision connectivity policy because it may be relative to this case.

Mr. Miller then made a motion, seconded by Mr. Warren, for the Board to defer Case 04SN0107 until March 10, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0298

In Clover Hill Magisterial District, HUGH OWENS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.2 units per acre or less. This request lies on 20.4 acres fronting approximately 650 feet on the east line of South Old Hundred Road, approximately 450 feet south of Echo Ridge Drive. Tax ID 732-682-2226 (Sheet 10).

Mr. Jacobson presented a summary of Case 03SN0298 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Upper Swift Creek Plan.

Ms. Kristen Keatley, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. McHale, the Board approved Case 03SN0298 and accepted the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - a. \$9,000.00 per dwelling unit, if paid prior to July 1, 2003; or
 - b. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
 - c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. The maximum density of this development shall not exceed 31 total lots. Lots accessing solely through Echo Ridge Subdivision shall be limited to four (4) lots. (P)
4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
5. Direct access from the property to Old Hundred Road shall be limited to one (1) public road. The exact

location of this access shall be approved by the Transportation Department. (T)

6. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right of way along the east side of Old Hundred Road, measured from the centerline of that part of Old Hundred Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of additional pavement along Old Hundred Road at each approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - b. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
8. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 7, shall be submitted to and approved by the Transportation Department. (T)
9. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
10. The minimum gross floor area for one story dwelling units shall be 1800 square feet and dwelling units with more than one story shall have a minimum gross floor area of 2000 square feet. (BI)
11. A fifteen (15) foot tree preservation strip shall be maintained along the Southern property line, adjacent to GPIN 732-681-4585. Utility easements shall be permitted to cross this strip in a perpendicular fashion. Any healthy trees that are six (6) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. This condition shall not preclude the removal of vegetation from the tree preservation strip that is unhealthy, dying or diseased. (P)
12. Prior to tentative subdivision approval, a Phase I archeological survey shall be performed in accordance with Archeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines and provided to the Chesterfield County Parks and Recreation Department. (P&R)
13. Prior to subdivision recordation, the property located to the north of the intermittent stream (approximately 2.0 acres) shall be dedicated as open space to the Old Hundred Mill Homeowners Association. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

04SN0129

In Bermuda Magisterial District, JAMES E. AND BRENDA F. BRIGGS request rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 0.9 acre lying approximately 310 feet off the west line of Jefferson Davis Highway, approximately 220 feet north of Southland Drive. Tax ID 798-655-Part of 2809 (Sheet 26).

Mr. Jacobson presented a summary of Case 04SN0129 and stated the Planning Commission and staff recommended approval and acceptance of one proffered condition. He noted the request conforms to the Chester Village Plan.

Mrs. Brenda Briggs stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved Case 04SN0129 and accepted the following proffered condition:

The public water system shall be used. (U)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

04SN0134

In Midlothian Magisterial District, FOX RICHMOND GROUP LLC requests Conditional Use and amendment of zoning district map to permit an outside public address system. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 1.6 acres lying approximately 240 feet off the south line of Robious Road, east of Huguenot Road. Tax ID 740-714-8131 (Sheet 2).

Mr. Jacobson presented a summary of Case 04SN0134 and stated the Planning Commission and staff recommend approval subject to one condition.

Ms. Kristen Keatley, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. Miller, the Board approved Case 04SN0134 subject to the following condition:

An outside public address system shall be permitted as accessory to restaurant uses. Such systems shall be limited to outdoor seating and dining areas. Such system shall not be audible to any property located in an A, R, R-TH or R-MF District. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

04SN0150

In Bermuda Magisterial District, AFFORDABLE RESIDENCES IN CHESTERFIELD, II requests amendment to Conditional Use Planned Development (Case 97SN0180) and amendment of zoning district map relative to density, parking and maximum number of units. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for multifamily residential use of 7.01 or more units per acre. This request lies on 26.3 acres lying approximately 600 feet on the north line of Alcott Road approximately 500 feet west of Jefferson Davis Highway. Tax ID 789-678-Part of 8292 (Sheet 18).

Mr. Jacobson presented a summary of Case 04SN0150 and stated the Planning Commission and staff recommended approval subject to one condition and acceptance of one proffered condition.

Mr. T. K. Somanath, representing the applicant, stated the recommendation is acceptable. He expressed appreciation to Mr. McHale for his support of the Jefferson Davis Corridor, especially the Winchester Greens revitalization.

Mr. Warren called for public comment.

No one came forward to speak to the request.

After brief discussion, on motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved Case 04SN0150 subject to the following condition:

The following exceptions shall be granted for any multifamily residential development on the property:

- a. a 1.8 unit per acre exception to the maximum ten (10) units per acre density limitation; and
- b. a 1.1 parking space per unit exception to the required two (2) parking spaces per unit requirement. (P)

(Note: All other requirements for multifamily residential development, as approved with Case 97SN0180, shall be adhered to.)

And, further, the Board accepted the following proffered condition:

The number of dwelling units permitted shall be limited to 310 units, provided that 240 of those units shall be unrestricted in regards to the age of residents and seventy

(70) shall be restricted, except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state or local legal requirements, to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age Restricted Dwelling Units"). (P & B&M)

(Note: This condition supersedes Proffered Condition 4 of Case 97SN0180. All other proffered conditions shall remain in effect.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

04SN0169

In Matoaca Magisterial District, TASCON-NORWOOD L.L.C. requests amendment to Conditional Use Planned Development (Case 01SN0267) and amendment of zoning district map to permit exceptions to building and construction materials requirements and requirements for sidewalks and walkways. Residential use of up to 10 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for community mixed use with residential densities of 8 to 14 units per acre and for single family residential use of 2.0 units per acre or less. This request lies on 27.4 acres fronting approximately 1,350 feet on the west line of North Spring Run Road, also fronting approximately 1,400 feet on the north line of McEnnally Road and located in the northwest quadrant of the intersection of these roads. Tax ID 724-670-5538 (Sheet 15).

Mr. Jacobson presented a summary of Case 04SN0169 and stated the Planning Commission and staff recommend approval subject to one condition and acceptance of one proffered condition.

Mr. Steve Settlage, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved Case 04SN0169 subject to the following condition:

Sidewalks, Walkways, and Pedestrian Trails. Sidewalks having a width of three (3) feet shall be provided generally along both sides of all interior streets, but not along driveways serving only one or two buildings; provided that, along that portion of the internal street that generally parallels McEnnally Road, as shown on the Schematic Plan, if topographic and dimensional constraints between McEnnally Road and the pond make provision of sidewalks on both sides of the street impractical, a sidewalk may be placed on only one side of that portion of the street. Sidewalks shall also be provided along the entrance road to North Spring Run Road and to the adjacent property to the north, identified as Tax ID 725-671-9228. Walkways shall be provided from the driveways for individual buildings to the entrances of all

dwelling units. Sidewalks and walkways shall be constructed of exposed aggregate, stamped concrete or masonry pavers. Walkways to the front doors of the homes shall be of broom finished concrete. Pedestrian trails shall be provided around the pond with connections to the clubhouse area and to the major internal streets. The exact treatment and location of these sidewalks and pedestrian trails shall be approved by the Planning Department at the time of site plan review. (P)

(Note: This condition supersedes Condition 3 of Case 01SN0267.)

And, further, the Board accepted the following proffered condition:

Schematic Plan and Elevations. Development of the Property shall be in substantial conformance with the architectural appearance shown on the elevations attached hereto as Exhibits "A" and "B" with respect to the materials depicted, which are brick veneer, stone or faux stone (cultured stone), composition or vinyl siding and 20 year asphalt roof shingles. Development of the Property shall generally conform to the Schematic Plan with respect to the general location of the clubhouse building, open spaces, the orientation of buildings such that the number of garage doors opening to any individual street are minimized, and the clustering of buildings. The location of roads, access, driveways and parking areas need not be exactly as shown on the Schematic Plan; however, the concepts of the Plan shall be generally adhered to such as the orientation of dwelling units to one another, to open spaces, and to rights of way. (P)

(Staff Note: This proffered condition supersedes Proffered Condition 5 of Case 01SN0267. The Exhibits referred to are contained in Case 01SN0267.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

04SN0113

In Matoaca Magisterial District, GLENN M. HILL requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots, suited to R-88 zoning. This request lies on 20.0 acres fronting approximately 1,000 feet on the east line of Bailey Bridge Road, approximately 550 feet south of Battlecreek Drive. Tax ID 735-670-7636 (Sheet 16).

At Mrs. Humphrey's request, Mr. Warren inquired if anyone was present to speak to Case 04SN0113. Seeing no one, he called for the applicant to come forward and the case to be heard on the consent agenda.

Mr. Delmonte Lewis, representing the applicant, stated the proposal is for an extension of an existing subdivision; water and sewer is available; and the applicant has addressed the impact on capital facilities as well as agreed to provide

1,000 feet of road improvements. He requested that the Board approve the request as recommended by the Planning Commission.

Mr. Warren called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey stated the applicant has agreed to provide improvements to a dangerous curve on Bailey Bridge Road and the development will provide for a second access for the Winterpock Fire Department to reach the Bayhill Pointe community.

Mrs. Humphrey then made a motion, seconded by Mr. McHale, for the Board to approve Case 04SN0113 and accept the following proffered conditions:

1. Public water and wastewater systems shall be used. (U)
2. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the County of Chesterfield prior to the issuance of building permit:
 - a. \$9,000.00 per dwelling unit, if paid prior to July 1, 2003; or
 - b. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1, of the fiscal year in which the payment is made if paid after June 30, 2003.
 - c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
4. No more than 27 residential lots shall be developed on the subject property. (P)
5. Minimum House Size:
All dwelling units shall have a minimum gross floor area of 1,700 square feet except for dwelling units with more than one story which shall have a minimum gross floor area of 2,000 sq. feet. (P)
6. Minimum lot area shall be 15,000 square feet. (P)
7. Direct access from the property to Bailey Bridge Road shall be limited to one (1) Public Road. The exact location of that access shall be approved by the Transportation Department. (T)

8. Right of Way Dedication:

In conjunction with the recordation of the initial subdivision plat or within sixty (60) days of a written request by the County, forty-five (45) feet of right-of-way on the east side of Bailey Bridge Road, measured from the centerline of the part of Bailey Bridge Road immediately adjacent to the property; shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

9. Construction:

The applicant, subdivider or assignee(s) shall: (1) dedicate the required right-of-way and construct additional pavement along Bailey Bridge Road at the approved access point to provide left and right turn lanes if warranted, based on Transportation Department standards. In the event the Developer is unable to acquire the right-of-way necessary for the road improvements as described, the Developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department; and (2) Construct additional pavement and shoulder along the south side of Bailey Bridge Road to provide an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with any modifications approved by the Transportation Department for the entire property frontage. (T)

10. Phasing Plan:

Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffer 9, shall be submitted to and approved by the Transportation Department. (T)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

17. PUBLIC HEARINGS

17.A. TO CONSIDER ORDINANCE AMENDMENTS RELATING TO EROSION AND SEDIMENT CONTROL

Ms. Joan Salvati, Water Quality Administrator, stated this date and time has been advertised for a public hearing for the Board to consider ordinance amendments relating to erosion and sediment control. She reviewed the basis for the amendments and the process for developing the revisions. She then reviewed key revisions, including addition of civil penalties; a provision for issuance of summonses by environmental engineering inspectors, with the option of paying the fine directly to the county treasurer; a requirement that the land owner and/or permit holder will be held responsible for clean up of sediment that has affected

downstream properties and/or waters; addition of verbiage for a requirement for the designation of a Responsible Land Disturber (RLD); responsibilities given to RLDs; a provision that allows the environmental engineer to request any additional erosion and sediment control measures deemed necessary; a strengthened provision regarding changes to the erosion and sediment control plan; new verbiage calling for additional erosion and sediment control measures for sites that are adjacent to sensitive environmental areas; and additional verbiage clarifying that exemptions for silviculture and agricultural activities only apply to lands on which those uses are actually being undertaken. She stated staff feels the proposed ordinance is a part of an overall effort to reduce sediment from getting into Swift Creek Reservoir and the county's streams. She further stated staff recommends adoption of the ordinance, and stressed the importance of environmental engineering's inspectors receiving the county's full support in implementing the ordinance.

When asked, Ms. Salvati stated the Department of Conservation and Recreation has requested that the county revise its ordinance and granted an extension until early January 2004.

Mr. Warren called for public comment.

Mr. Mark Singer, Executive Director of the Richmond Municipal Contractors Association, stated he supports the proposed ordinance with the addition of amendments to Sections 8-4 and 8-5 relative to what happens when environmental engineering staff come to a construction site and request an erosion and sediment control measure that is beyond the scope of an originally approved plan. He provided copies of the proposed amended language to the Board and stated the language represents a balance between staff's needs and contractors' needs. He requested that the Board approve the proposed ordinance with the addition of the amended language to Sections 8-4 and 8-5.

Mr. David Root, representing the Richmond Homebuilders Association, stated he supports the amended language presented by Mr. Singer.

Dr. Betty Hunter-Clapp, representing Hands Across the Lake, provided details of pollution caused by construction projects. She presented photographs depicting sediment in the Swift Creek Reservoir and expressed concerns relative to the effectiveness of turbidity curtains. She also provided photographs depicting muddy discharge from BMPs and expressed concerns relative to poor performance of normal erosion and sediment controls in shrink-swell soils/clays. She further expressed concerns that if more development occurs in the area, the problems will worsen and requested that the Board use the tools provided in the new erosion and sediment control ordinance to look for causes of sedimentation as well as relief for those causes. She encouraged the Board to implement usage of a coagulating agent to combine small clay particles into larger particles that are trapped by conventional control measures, indicating that anionic PAM, a polymer safe for drinking water, is one possibility. She also urged the Board to increase the penalty for failure to control runoff pollution.

Mr. Warren requested that the Board add an increased penalty for erosion and sediment control violations to the county's legislative program.

Ms. Diana Parker, representing the Sierra Club, stated she supports the proposed ordinance and feels additional action should be taken to protect the county's drinking water sources.

Mr. David Robinson, James River Soil and Water Conservation District Director-elect, requested that the word "may" be changed to "shall" in several sections of the proposed ordinance. He requested that the Board consider providing the environmental engineering inspectors with the ability to issue stop work orders. He stated Henrico County requires that 100 percent of site runoff go through a mechanical device. He suggested that the Board consider requiring that any mitigation of Chesterfield wetlands be within Chesterfield. He requested that the Board approve the proposed ordinance tonight and then address other issues that have been raised.

Discussion ensued relative to Mr. Robinson's requests related to the proposed ordinance.

When asked, Mr. Micas stated the county has the ability to streamline the stop work order process, indicating that it has traditionally been considered appropriate for Mr. Ramsey to issue stop work orders upon the field inspectors' determinations.

Mr. Bill Hastings stated he supports the proposed ordinance as well as the modifications suggested by Mr. Robinson. He stressed the importance of strict enforcement of the ordinance.

There being no one else to speak to the ordinance amendments, the public hearing was closed.

Ms. Salvati stated the use of "may" rather than "shall" provides discretion to environmental inspectors, indicating that a large percentage of erosion and sediment control violations are corrected in the field. She further stated staff feels it is important to provide inspectors with the option of not providing a summons if a contractor is willing to address the violation, rather than mandating that a summons be issued. She further stated the county already requires that the current erosion and sediment control plans specify 100 percent of all stormwater runoff is captured by a device.

Mr. Miller inquired about concerns expressed by the Farm Bureau.

Ms. Salvati stated staff attempted to craft language to address the concerns raised by the Farm Bureau. She further stated the revised language was sent to the Farm Bureau on November 10, 2003 and staff has not received a reply.

Discussion ensued relative to exemption of agricultural property from the proposed ordinance.

Ms. Salvati stated the proposed civil penalty of \$100 per day

per violation of erosion and sediment control standards is the same as the state's erosion and sediment control ordinance.

Mr. Micas stated the current ordinance provides for a criminal penalty of up to \$2,000 for violations of erosion and sediment control standards.

Mr. Miller expressed concerns relative to the exemption provided in Section 8-2(f) for state highway projects.

Ms. Salvati stated electric, natural gas and other utility companies must file erosion and sediment control plans with the Department of Conservation and Recreation, and the department is responsible for enforcing violations by utility companies.

Mr. Miller expressed concerns that the Planning Commission did not review the proposed ordinance because it affects land use.

Mrs. Humphrey expressed concerns that the county cannot enforce erosion and sediment control violations of utility companies. She also expressed concerns relative to the language proposed in Section 8-2(c) regarding education level of the person confirming silvicultural practices.

Ms. Salvati stated the language proposed in the Chesapeake Bay Preservation Act refers to a "professional arborist." She further stated the Forestry Department recommended the education level, indicating that staff was comfortable with "professional arborist."

Mrs. Humphrey requested that the language, "person holding a Bachelor of Science degree in forestry" be replaced with "professional arborist."

When asked, Ms. Salvati stated horse farms would be deemed bona fide agricultural uses and thus exempt from the proposed ordinance. She further stated the clearing of property for the planting of crops would also be considered a bona fide agricultural use and also exempt from the ordinance.

Mrs. Humphrey stated both the business community and the environmental community support the proposed ordinance, but expressed concerns relative to the issues raised by the Farm Bureau regarding agricultural land uses.

Ms. Salvati stated staff has attempted to address the Farm Bureau's concerns regarding exemptions for bona fide agricultural uses.

Mr. Barber expressed concerns relative to the photographs presented by Dr. Clapp depicting sedimentation in the reservoir three days after a significant rainfall.

Ms. Salvati stated sedimentation issues occur as a result of heavy rainfalls and short periods of time between rain events, indicating that the erosion and sediment control devices designed to meet the state's minimum standards are not designed for heavy storms. She further stated concerns relative to this issue must be addressed at the state level.

Mr. Barber requested that the Board include deletion of the exemption from the proposed ordinance for state highway projects in its legislative program.

Discussion, questions and comments ensued relative to the ineffectiveness of turbidity curtains.

Mr. Barber requested additional information relative to potential dangers to the county's water supply as a result of using coagulants such as anionic PAM.

Mr. McElfish stated that research is being done regarding this issue.

Mr. Warren stated he feels the Board needs to act on the ordinance now and then revise it in the future as necessary.

When asked, Mr. McElfish stated the Department of Conservation and Recreation extended the date for the county to revise its erosion and sediment control ordinance until January 5, 2004.

Mr. Barber stated he would be more comfortable if the stakeholders met again to discuss the issues raised during the public hearing before adopting the ordinance.

When asked, Ms. Salvati stated staff supports the amendments to Sections 8-5(d) and 8-4(2) requested by Mr. Singer.

Mr. Warren made a motion, seconded by Mrs. Humphrey, for the Board to adopt the proposed ordinance, including the amendments to Sections 8-5(d) and 8-4(2) and changing the language in Section 8-2(c) from "person holding a Bachelor of Science degree in forestry" to "professional arborist."

Mr. Barber made a substitute motion, seconded by Mr. Miller, for the Board to defer consideration of the proposed amendments to the erosion and sediment control ordinance until January 14, 2004.

Mr. Miller stated he would actually prefer a longer deferral period. He further stated he feels the Planning Commission should have had an opportunity to review the ordinance and he is still confused about the agricultural exemption. He stated he would not support changing "mays" to "shalls" as requested by Mr. Robinson, and indicated he feels there are still property rights and other issues that need to be addressed.

Mr. Micas clarified that another public hearing would be necessary if the Board were to defer the issue because a new Board of Supervisors commences January 1, 2004.

Mr. Warren called for a vote on the substitute motion made by Mr. Barber, seconded by Mr. Miller, for the Board to defer consideration of the proposed amendments to the erosion and sediment control ordinance until January 14, 2004 and hold a new public hearing at that time.

Ayes: Barber and Miller.

Nays: Warren, McHale and Humphrey.

Mr. McHale stated he feels the Board should adopt the proposed ordinance now to become compliant with the state, and then address the concerns raised at a later time.

Mr. Warren called for a vote on his original motion, seconded by Mrs. Humphrey, for the Board to adopt the proposed ordinance, including the amendments to Sections 8-5(d) and 8-4(2) and changing the language in Section 8-2(c) from "person holding a Bachelor of Science degree in forestry" to "professional arborist," as follows:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY ADDING SECTION 8-1.1 AND AMENDING AND RE-ENACTING SECTIONS 8-1, 8-2, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-11, 8-12, 8-13, 8-14, 8-15 and 8-17 RELATING TO EROSION AND SEDIMENT CONTROL AND ESTABLISHING CIVIL PENALTIES FOR VIOLATIONS OF THE ORDINANCE

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Chapter 8 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 8-1. Definitions.

(a) When used in this chapter, the following terms shall have the following meanings:

Agreement in lieu of a plan: A contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Certificate of occupancy: A certificate of use and occupancy issued under the Uniform Statewide Building Code, but not including a temporary certificate of use and occupancy.

Conservation standards: The standards contained in the Virginia Erosion and Sediment Control Regulations and in chapter 3 of the current edition of the Virginia Erosion and Sediment Control Handbook for controlling erosion and sedimentation.

County: The County of Chesterfield.

Department: The State Department of Conservation and Recreation.

Designated agent: The person designated by the applicant for a land-disturbance permit to act on behalf of the applicant and to accept service of legal process for the applicant.

Development: A tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or a subdivision as defined in Chapter 17 of the Chesterfield County Code.

Environmental engineer: The director of the Chesterfield County Department of Environmental Engineering or his designee.

Land Disturbance Permit: A permit issued by the Department of Environmental Engineering for the clearing, filling, excavating, grading or transporting of land or for any combination thereof or for any purpose set forth herein. When the land disturbing activity is in conjunction with the construction of a dwelling, the building permit issued by the Building Official shall be the land disturbance permit.

Plan: The erosion and sediment control plan required by this chapter and by Va. Code §10.1-560, et. seq.

Program authority: The County of Chesterfield. The Director of the Department of Environmental Engineering, or his designee, is the designated authority to administer this program.

Responsible Land Disturber: The individual designated in writing by the holder of the land disturbance permit to be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or an agreement in lieu of a plan. The responsible land disturber must hold a certificate of competence as provided by Va. Code §10.1-561.

Single-family residence, separately built: A dwelling that is occupied exclusively by one family and that is not located in a residential subdivision.

Silviculture: Forest management, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that is conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to Va. Code §10.1-1105.

Soil and Water Conservation District: The district or districts established by the Virginia Soil and Water Conservation Board pursuant to Va. Code §10.1-506, et. seq. which includes Chesterfield County.

Stabilized land: Land that will withstand normal exposure to atmospheric conditions without incurring erosion damage.

Subdivision: Shall have the same meaning as the term is given in the county's subdivision ordinance.

(b) When used in this chapter, the following terms shall have the same meaning as set forth in Va. Code, § 10.1-560:

Applicant

Certified inspector

Certified plan reviewer

Certified program administrator

Erosion impact area

Land-disturbing activity

Local Erosion and Sediment Control Program

Owner

Permittee

Person

Plan-approving authority

State waters.

Sec. 8-1.1. Adoption of State Erosion Control Regulations.

Pursuant to Va. Code § 10-562, Chesterfield County adopts the Virginia Erosion and Sediment Control Regulations as the authority that governs the County's local erosion and sediment control program.

Sec. 8-2. Approval of land-disturbing activity.

(a) Except as provided in this chapter, no person shall engage in land-disturbing activity unless the person has obtained a land disturbance permit from the county and is displaying the permit on the site where the land disturbing activity is taking place. No person shall install a septic tank or drain field in a Resource Management Area as defined in Chesapeake Bay Preservation Ordinance, unless the person has obtained a land disturbance permit and is displaying a permit on the site where the septic tank or drain field is being installed.

(b) Persons who own, occupy or operate private lands on which agriculture, horticulture or silviculture is practiced shall be exempt from the requirements of this chapter for all activity that takes place on that land that is exempt from the definition of land-disturbing activity set forth in Va. Code, § 10.1-560. This exemption shall not apply to silvicultural activities if there is full and continued compliance with silvicultural best management practices, developed and enforced by the State Forester pursuant to Va. Code §10.1-1105, during and after the land disturbing activity. This exemption shall not apply to land disturbing activities including the clearing of trees for the purpose of establishing a residential lawn on land in an agriculturally zoned district where the use is residential. This exemption shall also not apply to land which has been rezoned or converted, or which is proposed to be rezoned or converted, at the request of the owner or previous owner from an agricultural to a residential, commercial or industrial zoning district or use.

(c) General woodlot management conducted on lands that are in an agricultural zoning district and in conformance with sound silvicultural practices as confirmed by the State Forester or professional arborist shall be exempt from the requirements of this chapter. For the purposes of this chapter, general woodlot management does not include the

removal of stumps except for logging road and log deck construction.

(d) The removal of uprooted tree stumps resulting from storm damage shall also be exempt from the requirements of this chapter.

(e) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall be exempt from the requirements of this chapter for projects that are exempt from local erosion and sediment control regulation pursuant to Va. Code, § 10.1-563(D); provided, however, that such companies shall comply with the filing requirements of Va. Code, § 10.1-563(D), as enforced by the Department of Conservation & Recreation.

(f) State agency projects are exempt from the provisions of this chapter except as provided for in Va. Code §10.1-564.

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Sec. 8-4. Land-disturbance permits.

(a) The environmental engineer shall not issue a land-disturbance permit to an applicant who has submitted a land-disturbance permit application unless:

- (1) The applicant has submitted an erosion and sediment control plan that has been approved by the environmental engineer as meeting the conservation standards;
- (2) The owner and responsible land disturber, as designated by the owner, who are responsible for implementing and maintaining the erosion and sediment control plan certify that they will perform the erosion and sediment control measures included in the plan and any other erosion and sediment control measures deemed necessary by the environmental engineer. When requested by the owner, permit holder or responsible land disturber, the environmental engineer shall provide a written document to the requesting party identifying what additional measures not included in the approved erosion and sediment control plan are necessary, and shall notify the owner of those additional measures;
- (3) The applicant has paid the program administration fee and posted the bond, letter of credit or cash escrow required by this chapter;
- (4) The applicant has implemented and maintained adequate erosion and sediment control measures for any land-disturbing activity that has already taken place;
- (5) Any site plan or improvement sketch required by the zoning ordinance has been approved by the county and, when necessary, by the Virginia Department of Transportation. However, if the grading, drainage,

floodplain erosion and sediment control and Chesapeake Bay Ordinance requirements have been met to the satisfaction of environmental engineer and the site plan has been deemed to be substantially approved by the site plan review team, the environmental engineer may issue the land disturbance permit;

(6) Any tentative subdivision that is required by the subdivision ordinance has been approved by the county and any road and drainage plan that is required by the subdivision ordinance has been approved by the county and the Virginia Department of Transportation;

(7) Copies of the following have been provided:

a. Any wetlands permits that are required by federal or state law have been issued by the applicable state and federal regulatory agencies, or documentation has been submitted to the environmental engineer from a qualified wetlands expert, approved by the environmental engineer that establishes that a wetlands permit is not required by federal or state law; and

b. A Virginia Pollutant Discharge Elimination System (VPDES) General Permit Registration Statement and Permit Fee form (as developed by the Department of Environmental Quality) for construction sites of one acre or more, if required.

(8) The applicant has appointed a designated agent if the applicant does not reside in Virginia or is a corporation or a partnership.

(b) Land-disturbance permits shall remain in effect until the land-disturbing activity for which the permit was issued has been completed, as determined by the environmental engineer, unless the permit provides for a different effective time period or unless the environmental engineer, or his designee, revokes the permit.

(c) Any person who engages in land disturbing activity on land which is more than 2,500 square feet in area but less than 10,000 square feet in area and that is located in a Chesapeake Bay preservation area shall be issued a land disturbance permit if the person has received minor site plan or improvement sketch approval and if there are no erosion and sediment control violations on the property, without having to comply with the provisions of subsection (a).

Sec. 8-5. Monitoring Reports and Inspections.

(a) All applicants for land-disturbance permits shall expressly grant the environmental engineer the right to enter the property at all reasonable times before and after the permit is issued for the purpose of inspecting the property to determine whether the requirements of this chapter and of the approved erosion and sediment control plan are being met. The environmental engineer shall allow the owner, permittee

or other individuals designated by the owner or permittee to be present during the inspection.

(b) The environmental engineer may conduct pre-construction meetings with the contractor in charge of carrying out the approved plan, and the owner and/or permittee at the site of the land disturbing activity. The responsible land disturber shall be present at the pre-construction meeting.

(c) The environmental engineer shall conduct periodic inspections of land disturbing activity as required by Va. Code §10.1-566(A) and in accordance with 4VAC50-30-60.

(d) The environmental engineer shall require the responsible land disturber to inspect the land disturbing activity on a regular basis, including prior to and immediately after any runoff producing storm events, as determined by the environmental engineer; and shall ensure compliance with the approved plan and/or any other measures deemed necessary by the environmental engineer. When requested by the owner, permit holder or responsible land disturber, the environmental engineer shall provide a written document to the requesting party identifying what additional measures not included in the approved erosion and sediment control plan are necessary, and shall notify the owner of those additional measures.

(e) The environmental engineer may require the responsible land disturber to maintain records of all inspections by the responsible land disturber and to determine whether the measures required in the approved plan are effective in controlling erosion and sedimentation. Any such records shall be made available to the environmental engineer for review. If the environmental engineer determines that records of the responsible land disturber's inspections must be maintained, such requirement shall be incorporated in the construction narrative or requested, or if the requirement is imposed after issuance of the land disturbance permit, in writing by the environmental engineer.

(f) The environmental engineer may require the responsible land disturber to ensure that perimeter control materials have been delivered or, as applicable, are available or installed prior to the issuance of a land disturbance permit.

Sec. 8-6. Erosion and sediment control plans.

(a) Applicants for land-disturbance permits shall submit to the environmental engineer an erosion and sediment control plan for review by the environmental engineer. The erosion and sediment control plan shall identify any Chesapeake Bay preservation areas and shall contain all other information required by the Virginia Erosion and Sediment Control Law, the Virginia Erosion and Sediment Control Regulations, and the Virginia Erosion and Sediment Control Handbook.

(b) The environmental engineer shall either approve or disapprove an erosion and sediment control plan within 45 days after it is submitted. All approvals and disapprovals shall be in writing. When a plan is disapproved, the

environmental engineer shall inform the applicant of the reasons for the disapproval and shall describe modifications to the plan that must be made in order for the plan to be approved. The environmental engineer shall grant written approval of the plan within 45 days of the plan's receipt if he determines that the plan meets the conservation standards. As a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the owner shall certify that he will properly perform the conservation measures included in the plan and will conform to the provisions of this chapter and of Va. Code §10.1-560, et seq. and shall provide the name of an individual holding a certificate of competence, as provided by Va. Code §10-1-561, who will be in charge of and responsible for carrying out the land disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land disturbing activities shall result in the application of the penalties provided in this chapter.

(c) If the environmental engineer does not approve or disapprove an erosion and sediment control plan within 45 days after an applicant submits such a plan, the erosion and sediment control plan shall be approved. However, the applicant shall fulfill all of the other requirements of section 8-4 before the environmental engineer issues a land-disturbance permit to the applicant.

(d) The environmental engineer shall require all erosion and sediment control plans to comply with the conservation standards and specifications contained in the Virginia Erosion and Sediment Control Handbook before they are approved. In cases where a conflict exists between the Virginia Erosion and Sediment Control Regulations (4VAC50-30) and the Virginia Erosion and Sediment Control Handbook, the terms of the Regulations shall take precedence over the terms of the Handbook.

(e) For construction sites that are adjacent to sensitive environmental features such as RPAs, wetlands and floodplains, the approved plan may incorporate additional measures required by the environmental engineer to adequately prevent sediment from entering those resources.

(f) It shall be unlawful for any person to violate the provisions of an approved erosion and sediment control plan, or any other erosion and sediment control measures deemed necessary by the environmental engineer, as provided for in Va. Code §10.1-560 et. seq. 4VAC50-30-40, and the most recently approved edition of the Virginia Erosion and Sediment Control Handbook.

Sec. 8-7. Modifications to an approved plan.

An approved plan may be changed by the plan-approving authority when:

- (a) An inspection reveals that the plan is inadequate to control erosion and sedimentation and to satisfy applicable laws and/or regulations; or
- (b) The responsible land disturber finds that because of changed circumstances or other reasons the approved plan cannot be effectively carried out,

and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority.

Sec. 8-8. Responsibility for the erosion and sediment control plan.

The owner shall be responsible for preparing, submitting and implementing the erosion and sediment control plan. The owner shall also be responsible for the following:

(a) Engaging the services of a responsible land disturber as defined in this chapter;

(b) Maintaining all measures required by the erosion and sediment control plan;

(c) Removing erosion and sediment control measures after the environmental engineer determines that the land is stabilized;

(d) Removing all sediment from sediment basins that are to be converted to permanent best management practice facilities as required by the environmental engineer; and

(e) All sediment basins constructed in conjunction with single family subdivisions that drain to the Swift Creek Reservoir must remain in place and fully stabilized until such time as a joint permit from the US Army Corps of Engineers and the Virginia Department of Environmental Quality has been received which allow construction of the regional BMPs required by Article VI of Chapter 12 of this Code.

(f) The restoration or repair of properties and/or waters that have been adversely affected by the transport of sediment from the project site which is deemed necessary by the environmental engineer, in consultation with the Water Quality Administrator, or his designee.

Sec. 8-9. Erosion and sediment control plans for land-disturbing activity in more than one jurisdiction.

Persons who propose to engage in land-disturbing activity on land which extends into the jurisdiction of another locality and who have obtained approval of a conservation plan from the Virginia Department of Conservation and Recreation, Division of Soil and Water Conservation shall notify the environmental engineer of the plan's approval. That approval shall fulfill the requirements of obtaining approval of an erosion and sediment control plan under this chapter. The person shall provide to the environmental engineer written documentation that such conservation plan has been approved by the Department of Conservation and Recreation. The person shall also obtain a land-disturbance permit from the environmental engineer before engaging in land-disturbing activity in the county.

Sec. 8-10. Revocation of permit.

(a) If the permit holder fails to comply with the erosion and sediment control plan or with the requirements of the land-disturbance permit, the environmental engineer shall give notice to the permit holder of the failure to comply and shall require the permit holder to comply within a specified period of time. The environmental engineer shall give notice in the manner that is described in section 8-15. The environmental engineer shall revoke the land-disturbance permit if the permit holder has not complied within the specified time period contained in the notice.

(b) When the environmental engineer revokes a land-disturbance permit, no land-disturbing activity shall take place on the site, except for activity that is required by the environmental engineer and which is directly related to compliance with the erosion and sediment control plan or the land-disturbance permit, as set forth in the notice of failure to comply.

Sec. 8-11. Certification required.

(a) The county's environmental engineer shall at all times contain among his staff one certified program administrator, at least one certified plan reviewer, and at least one certified project inspector. Any person who received a certificate of competence from the Virginia Soil and Water Conservation Board for plan review, project administration or program administration before the mandatory certification provisions of Code of Virginia, § 10.1-561.1(A), were adopted shall be deemed to be certified.

(b) All erosion and sediment control plans shall be approved by a certified plan reviewer. All inspections of land-disturbing activity shall be conducted by a certified inspector.

Sec. 8-12. Performance bond, cash escrow, or irrevocable letter of credit.

(a) Applicants shall post a performance bond in favor of the county with an acceptable corporate surety, in an amount approved by the environmental engineer as sufficient to install the controls specified in the erosion and sediment control plan. The bond shall be conditioned on the faithful performance of the approved erosion and sediment control plan and shall indemnify and save harmless the county from any loss that results from the applicant's failure to comply with the requirements of this chapter. The form of the bond shall be approved by the county attorney.

(b) In lieu of a performance bond, the applicant may submit to the environmental engineer a cash escrow or an irrevocable letter of credit which is approved as to form by the county attorney. The amount of the cash escrow or letter of credit shall be approved by the environmental engineer in the manner described in subsection (a).

(c) The amount of the bond, cash escrow, or irrevocable letter of credit shall include an amount that is equal to ten percent of the installation cost to cover maintenance costs.

(d) If the owner or permit holder does not faithfully perform the approved erosion and sediment control plan or any other measures deemed necessary by the environmental

engineer, as provided for in Va. Code §10.1-560, et. seq. 4VAC50-30-40, and the most recently approved edition of the Virginia Erosion and Sediment Control Handbook, the environmental engineer shall revoke the land disturbance permit prior to using any funds that are posted to implement any portion of the erosion and sediment control plan or other measures deemed necessary by the environmental engineer. The person who posted the bond, letter of credit or cash escrow shall increase the bond, letter of credit or cash escrow back to the original amount approved by the environmental engineer before the environmental engineer reissues the land disturbance permit to the permit holder.

(e) Any person who engages in land-disturbing activity on land that has received minor site plan approval pursuant to chapter 19 of the Code of Chesterfield County shall be exempt from the requirements of this section, except that he must obtain a land disturbance permit.

(f) Within 60 days after all land-disturbing activity has been completed and the environmental engineer has determined that all land has been stabilized, any unexpended or unobligated funds that were posted or deposited with the environmental engineer pursuant to this section shall be released or refunded. For the purposes of this section, land-disturbing activity shall be considered to be complete when a certificate of occupancy has been issued or, in the case of a subdivision, when the board of supervisors has adopted a resolution requesting the state to accept the subdivision roads into the state highway system.

Sec. 8-13. Fees.

(a) The applicant shall pay a program administration fee to the county at the time that he submits to the environmental engineer an erosion and sediment control plan. The amount of the fee shall be:

- (i) For an erosion and sediment control plan for land which is 10,000 square feet or larger and not located in a proposed subdivision: \$1,360.00, plus \$50.00 for each acre of land to be disturbed.
- (ii) For an erosion and sediment control plan for land which is 10,000 square feet or larger and located in a proposed subdivision: \$1,360.00, plus \$50.00 for each lot.
- (iii) For an erosion and sediment control plan for land which is less than 10,000 square feet and is not to be used for a single-family residence: \$100.00.
- (iv) For any building permit application or erosion and sediment control plan that is to be used for a single-family residence, separately built or any amendment thereto that changes the proposed building footprint from that of the initial submission: \$50.00.
- (v) For resubmission of all or part of an erosion and sediment control plan for a subdivision or

a residential development for which plan approval has previously been granted, there shall be a fee of \$1,000.00 unless the resubmittal was requested by or on behalf of the County.

(b) No program administration fee shall be required for an erosion and sediment control plan for land-disturbing activity that takes place in conjunction with a land use for which a minor site plan has been approved in accordance with the zoning ordinance.

(c) If a land-disturbance permit is revoked, the applicant shall pay an administrative fee in an amount equal to one-half of the original program administration fee when the applicant applies to have the land-disturbance permit reissued.

(d) No business located within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay any of the fees described in this section. This exemption shall continue for the life of the enterprise zone.

Sec. 8-14. Approval required for certain existing conditions.

(a) It shall be unlawful for any owner of land in an erosion impact area to willfully permit erosion and sedimentation of his land to cause reasonably avoidable damage or harm to adjacent or downstream property, roads, streams, lakes or ponds.

(b) When the environmental engineer determines that erosion and sedimentation is occurring in an erosion impact area, he shall give notice of the erosion and sedimentation to the land owner in writing at the address for the owner contained in the real estate assessor's records, and require the owner to obtain a land-disturbance permit for the purpose of engaging in land-disturbing activity to control the erosion and sedimentation. If the owner fails or refuses to obtain a land-disturbance permit within five days after the notice is mailed, or if the owner fails or refuses to install or maintain the erosion and sediment controls required by the approved erosion and sediment control plan after the land-disturbance permit is issued and within five days after the environmental engineer has given him written notice of such failure or refusal, the owner shall be in violation of this chapter. The environmental engineer may extend the five-day period if the owner demonstrates good cause for an extension.

(c) In order to prevent further erosion, the Department of Environmental Engineering may designate any land within the County as an erosion impact area.

Sec. 8-15. Noncompliance with this chapter.

(a) If the environmental engineer determines that the permit holder has not complied with this chapter, the erosion and sediment control plan or the land-disturbance permit, the environmental engineer shall serve a notice to comply on the permit holder by:

- (1) Delivering the notice to the owner, his designated agent and the responsible land disturber;
- (2) Mailing the notice by registered or certified mail, to the address which the owner specified for receiving notices in the land-disturbance permit application and the responsible land disturber; or
- (3) Delivering the notice to the designated agent, contractor who is supervising the land-disturbing activity, at the site where the land-disturbing activity is permitted, or the responsible land disturber.

(b) The notice shall state the section of this chapter that has been violated and shall describe the measures that the permit holder must take to comply with this chapter. The notice shall also specify the date by which the permit holder shall comply with this chapter. Failure to comply within the time specified in the notice shall constitute a violation of this chapter and the permit holder shall be subject to land disturbance permit revocation and the penalties provided in this chapter.

(c) If the permittee has not complied with this chapter within the time specified in the notice, then, in addition to the other actions permitted by this chapter, the environmental engineer may take measures to install ground cover or other temporary erosion and sediment control devices that are deemed necessary by the environmental engineer. The environmental engineer shall document all costs of any measures and shall notify the landowner, in writing, that the cost shall be a charge against the bond, letter of credit or cash escrow that is posted pursuant to this chapter.

(d) If the environmental engineer notifies the County Administrator of a substantial violation of this chapter, the County Administrator may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order in accordance with Va. Code §10.1-566(C) requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been undertaken. In issuing such stop work order, the land disturbance permit shall be revoked and, where applicable, all other county permits and inspections for that project shall be suspended. The stop work order shall also apply to sewer and water line construction. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the county attorney or permit holder for appropriate relief to the Circuit Court of Chesterfield County.

(e) If land disturbing activities commenced prior to the issuance of a land disturbance permit are causing, or are in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the state, the environmental engineer may take measures subsequent to a stop work order as provided in this chapter, to install any groundcover or other temporary erosion and sediment control devices deemed necessary. The environmental

engineer shall document all costs of such measures and shall notify the landowner in writing of such costs. The landowner shall reimburse the County for such costs prior to the issuance of a land disturbance permit.

(f) Where the identified non-compliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the state, or where the land-disturbing activities have commenced without an approved plan and/or land disturbance permit, a stop work order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such an order may be issued only after the permittee has failed to comply with the notice to comply.

(g) Where the identified non-compliance has caused significant erosion of lands and sediment deposition in waters within watersheds of the County, or has adversely affected downstream properties, the environmental engineer shall hold the permit holder responsible for any restoration measures deemed necessary.

(h) If land disturbing activities have commenced without a land disturbance permit, the environmental engineer shall issue a notice of permit requirement and a stop work order for the immediate cessation all of land-disturbing activities. The issuance of such a stop work order shall also operate to suspend all other applicable county permits and inspections. In addition, civil penalties may be imposed in accordance with this chapter.

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Sec. 8-17. Penalty for violation of chapter.

(a) A civil penalty in the amount listed on the schedule below may be assessed against the owner of the property, unless otherwise specified in this subsection, for a violation of each of the following offenses:

(i) Commencement of land disturbing activity prior to the issuance of a land disturbance permit as provided in Section 8-2(a) shall be a fine of \$1,000.

(ii) Vegetative Measures: failure to comply with Minimum Standards 1,2,3 and 5 shall be a fine of \$100.

(iii) Structural Measures: failure to comply with Minimum Standards 4, 6, 10, 11, 15, and 17 shall be a fine of \$100.

(iv) Watercourse Measures: failure to comply with Minimum Standards 12, 13 and 15 shall be a fine of \$100.

(v) Slope Stabilization/Protective Measures: failure to comply with Minimum Standards 7, 8 and 9 shall be a fine of \$100.

(vi) Underground Utility Measures: failure to comply with Minimum Standard 16(a), (b), (c), and/or (d) shall be a fine of \$100.

- (vii) Erosion Control Standards and Specifications: failure to comply with any Standards and Specifications contained in Chapter 3 of the current edition of the Virginia Erosion and Sediment Control Handbook shall be a fine of \$100.
- (viii) Dust Control: failure to comply with the Standard and Specification 3.39 relating to dust control shall be a fine of \$100.
- (ix) Failure of the person responsible for carrying out the plan to provide the name of an individual holding a certificate of competence, as provided by Va. Code §10.1-563, who will be in charge of and responsible for carrying out the land-disturbing activity shall be a fine of \$100.
- (x) Certified Responsible Land Disturber: failure of the certified responsible land disturber to fulfill any responsibilities provided for in this chapter shall be a fine of \$100.
- (xi) Failure to obey a stop work order shall be a fine of \$100.
- (xii) Failure to stop work when a permit is revoked shall be a fine of \$100.
- (xiii) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000, except that a series of violations arising from the commencement of land-disturbing activities without a Land Disturbance Permit for any site shall not result in civil penalties which exceed a total of \$10,000. The assessment of civil penalties according to this schedule shall not be applied toward the cost of the installation of conservation measures required on the approved erosion and sediment control plan and/or any other measures deemed necessary by the environmental engineer and shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.
- (xiv) Any civil penalties assessed in accordance with subsection (b) of this section shall be paid into the treasury of the County and designated for the purpose of minimizing, preventing, managing or mitigating pollution of the waters of the County.

(b) The environmental engineer shall prepare an Erosion and Sediment Control Civil Violation Summons for use in enforcing the provisions of this chapter. Such Notice shall contain the following information:

- (i) The name and address of the person charged.
- (ii) The nature of the violation and Minimum Standards and Specifications that are not being met.
- (iii) The location and dates that the violation occurred or was observed.
- (iv) The amount of the civil penalty established for the violation.
- (v) The manner, location, and time that the civil penalty may be paid to the County.
- (vi) A statement that it is the right of the recipient of the Notice to elect to stand trial for the infraction and the date of such trial.

(c) The environmental engineer or his designee, after consulting with the environmental engineer, shall have the option of serving upon the owner or permittee of the site upon which the violation occurred the Civil Violation Summons, without issuing the notice to comply provided for in Section 8-15 of this chapter. However, the Notice of Civil Violation shall be served without issuing the notice to comply only in circumstances where the owner or his designated agent has demonstrated an unwillingness to comply with the environmental engineer's verbal instruction to comply given to the owner or agent. The Notice of Civil Violation shall be served in the same manner described in Section 8-15 of this chapter.

(d) Should a Civil Violation Summons be issued as provided in this chapter, it shall provide that any person issued the Summons may, within five (5) working days of receipt of the Summons, elect to pay the civil penalty by making an appearance in person or by certified mail to the Chesterfield County Treasurer's Office and, by such appearance may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.

(e) If a person charged with a Civil Violation Summons does not elect to enter a waiver of trial and admit liability, the environmental engineer shall cause the Sheriff's Department to serve the summons on the owner or permittee.

(f) Failure to pay the civil penalty, or to contest the violation, within the time period prescribed herein, shall result in the immediate issuance of a stop work order and the revocation of the permit.

(g) The environmental engineer may apply to the circuit court of the county to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that there is no adequate remedy at law.

(h) Any person who violates any provision of this chapter may be civilly liable to the county for damages incurred by the county that result from the violation.

(i) If a person who has violated any condition of a land-disturbance permit and the environmental engineer agree, the environmental engineer may issue an order to the person to pay a specific civil fine not to exceed \$2,000.00 for a violation. Such civil fine shall not be applied toward the cost of the installation of conservation measures required on the approved erosion and sediment control plan and/or any other measures deemed necessary by the environmental engineer. The fine shall be paid into the treasury of the County and designated for the purpose of minimizing, preventing, managing or mitigating pollution of the waters of the County. If such a civil fine is imposed, no civil penalty may be imposed pursuant to subsection (a).

(j) The county attorney shall take legal action to enforce the provisions of this chapter when the environmental engineer requests him to do so and when there is probable cause to believe that a violation has occurred.

(k) Without limiting the remedies which may be obtained in this section any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, at the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the County. Any civil penalties assessed by a court shall be paid into the treasury of the County and designated for the purpose of minimizing, preventing, managing or mitigating pollution of the waters of the County, except where the violator is the County itself, or its agency, the court shall direct the penalty to be paid in the state treasury of the state.

(2) That this ordinance shall become effective on January 1, 2004.

Ayes: Warren, McHale and Humphrey.

Nays: Barber and Miller.

Mr. Miller excused himself from the meeting.

17.B. TO CONSIDER A THIRD AMENDMENT TO THE FBO SERVICES AND LEASE AGREEMENT WITH DOMINION AVIATION SERVICES, INCORPORATED

Mr. Pitaro stated this date and time has been advertised for a public hearing for the Board to consider a third amendment to the FBO Services and Lease Agreement with Dominion Aviation Services, Incorporated.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a third amendment to the FBO Services and Lease Agreement with Dominion Aviation Services, Incorporated.

Ayes: Warren, McHale, Barber and Humphrey.

Nays: None.

Absent: Miller.

17.C. TO CONSIDER THE CONVEYANCE OF LEASES OF REAL PROPERTY AT VARIOUS PARK SITES AND ATHLETIC COMPLEXES FOR OPERATION OF FOOD CONCESSIONS BY CO-SPONSORED ATHLETIC ASSOCIATIONS AND LEAGUES

Mr. Hammer stated this date and time has been advertised for a public hearing for the Board to consider the conveyance of leases of real property at various park sites and athletic complexes for operation of food concessions by co-sponsored athletic associations and leagues.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board approved the conveyance of leases of real property for operation of food concessions at various park sites, as outlined in the papers of this Board.

Ayes: Warren, McHale, Barber and Humphrey.

Nays: None.

Absent: Miller.

17.D. TO AMEND THE ZONING ORDINANCE RELATIVE TO INCREASING FINES FOR VIOLATIONS GOVERNED BY CIVIL PENALTIES

Mr. William Poole stated this date and time has been advertised for a public hearing for the Board to consider an amendment to the Zoning Ordinance relative to an increase in fines for violations governed by civil penalties.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance amendment.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 19-6 RELATING TO CIVIL PENALTIES AND PROVIDING FOR A PENALTY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 19-6 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 19-6. Civil penalties for certain violations.

(a) Any violation of the following provisions shall be punishable by a civil penalty of not more than \$100.00 for the initial summons and not more than \$250.00 for each additional summons:

(1) Operation of a business that is not a home occupation, on a lot or parcel inside or outside of a dwelling unit or accessory building, in any R, R-TH, R-MF or A district, without a special exception or conditional use.

(2) Violation of any condition of zoning and development approvals and substantial accord

approvals for which a public hearing does not occur that relates to the hours of operation of the use of land or that relates to reduction or control of noise from the use of land.

(b) Each day during which any violation of subsection (a) exists shall constitute a separate violation. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten-day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of \$5,000.00.

(c) The designation of a particular violation of this section as an infraction pursuant to subsection (a) shall be in lieu of criminal sanctions, and except for any violation resulting in injury to any person or persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor.

(d) The director of planning shall cause one copy of a summons to be personally served upon persons violating the provisions of subsection (a).

(e) Such summons shall contain the following information:

- (1) The name and address of the person charged.
- (2) The nature of the infraction and the ordinance provision(s) being violated.
- (3) The location, date and time that the infraction occurred or was observed.
- (4) The amount of the civil penalty assessed for the infraction.
- (5) The manner, location and time in which the civil penalty may be paid to the county.
- (6) The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.

(f) The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the county treasurer at least 72 hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court. However, an admission shall not be deemed a criminal conviction for any purpose.

(g) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law or equity and it shall be the county's burden to prove the violator's liability by a preponderance of the evidence. A

finding of liability shall not be deemed a criminal conviction for any purpose.

(h) The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law or equity.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber and Humphrey.

Nays: None.

Absent: Miller.

Mr. McHale stated he would like to see the General Assembly grant the county the ability for its zoning inspectors to issue summons, and requested that the Board consider adding this issue to its legislative program.

Mr. Miller returned to the meeting.

17.E. TO CONSIDER THE TAX EXEMPTION REQUEST OF MEALS ON WHEELS OF GREATER RICHMOND, INCORPORATED

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider the tax exemption request of Meals on Wheels of Greater Richmond. He noted the exemption would be capped at \$5,000 per year even if the assessment increased.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

On motion of Mr. McHale, seconded by Mr. Barber, the Board approve the tax exemption request of Meals on Wheels of Greater Richmond, Incorporated by adopting the following ordinance:

AN ORDINANCE TO DESIGNATE THE REAL AND PERSONAL
PROPERTY OF MEALS ON WHEELS OF GREATER
RICHMOND, INC. TO BE EXEMPT
FROM PROPERTY TAXATION

WHEREAS, subsection 6(A)(6) of Article X of the Constitution of Virginia, on and after January 1, 2003, authorizes localities to designate as exempt from local taxation the real or personal property, or both, owned by a non-profit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes; and

WHEREAS, the County has received a request from Meals on Wheels of Greater Richmond, Inc. to consider granting it a tax exemption for real and personal property owned by it in Chesterfield County; and

WHEREAS, in accordance with Va. Code, §58.1-3651 the Board has conducted a public hearing and considered each of the questions required to be considered before adopting an ordinance granting any such exemption; and

WHEREAS, the Board has determined that Meals on Wheels of Greater Richmond, Inc. meets the requirement for the real and personal property tax exemption that it has requested by reason of its being a non-profit organization which uses the real and personal property for which it is requesting the exemption for benevolent purposes.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

1. Meals on Wheels of Greater Richmond, Inc. is hereby designated a benevolent and public park and playground organization within the context of Section 6(A)(6) of Article X of the Constitution of Virginia.

2. Real and personal property located in Chesterfield County owned by Meals on Wheels of Greater Richmond, Inc. and used by such organization exclusively for benevolent purposes on a non-profit basis as set forth in Section 1 of this ordinance is hereby determined to be exempt from local taxation. This exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is designated as exempt in Section 1.

3. This real and personal property tax exemption shall be effective as of January 1, 2004.

4. This ordinance shall not be set out in the County Code but shall be kept on file in the offices of the real estate assessor and commissioner of revenue.

5. This ordinance shall be in effect immediately upon its adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

17.F. TO CONSIDER APPROVING A RESOLUTION REQUESTING THE ESTABLISHMENT OF A "NO-WAKE" ZONE FOR A PORTION OF THE APPOMATTOX RIVER

Mr. Hammer stated a group of property owners located near Walthall channel on the Appomattox River has requested a "No-Wake" zone on a portion of the Appomattox River. He further stated this date and time has been advertised for a public hearing to consider establishing a "No-Wake" zone for a portion of the Appomattox River. He stated staff recommends approval.

Mr. Warren called for public comment.

Mr. Richard McLaughlin expressed concerns relative to safety and property damage issues. He stated most boaters seem to be unaware of the law that requires boats to be at idle speed at any time it is within 50 feet of a dock or another boat, indicating that a "No-Wake" sign would be a reminder for boaters to slow to this speed. He also expressed concerns relative to erosion of the riverbank, stating that wave action of boats has caused catastrophic damage to private property.

Mr. Miller inquired whether signage could be placed in the area to remind boaters to slow down without creating a "No-Wake" zone.

Mr. Micas stated the Board could request the Department of Game and Inland Fisheries to post a sign, but he does not know if they would do so.

Mr. McLaughlin stated the Department of Game and Inland Fisheries has indicated a "No-Wake" zone must be established in order to enforce the speeding of boaters.

Mr. McHale stated boaters would have an option to run at full speed through the main channel and could avoid the proposed "No-Wake" zone.

When asked, Mr. McLaughlin stated the Walthall channel is approximately 50-75 feet wide, depending upon the tide level.

Mr. Barney McLaughlin stated he supports the "No-Wake" zone because of safety, property damage and erosion issues, and he feels it will remind boaters to slow down.

Ms. Diana Parker, representing the Sierra Club, stated boats that make large wakes affect nesting birds on the lake. She further stated she has seen the damage to Point of Rocks Park as a result of wave action, and indicated she supports the "No-Wake" zone.

Mr. Robert Bolick stated he feels the "No-Wake" zone is necessary because of growth in both boating and development of waterfront property. He expressed concerns relative to property damage, safety and erosion, and requested that the Board support the establishment of the "No-Wake" zone.

Mr. Ron Castlebury, a property owner on the Walthall channel, stated he does not support a "No-Wake" zone because residents enjoy recreational boating in the residential area of the channel.

Mr. Wayne Walton stated he does not support the "No-Wake" zone, indicating he feels the three marina sites on the river would be commercially impacted by the approval of additional "No-Wake" zones. He expressed concerns relating to setting a precedent by approving the proposed "No-Wake" zone, and then having to approve additional ones if requested by constituents to do so.

Mr. Bill Cato, owner of Appomattox Small Boat Harbor, stated he does not have an ongoing problem with excessive wake and presented a petition with 100 signatures opposing the "No-Wake" zone.

Mr. John Barkley stated he opposes the "No-Wake" zone.

Mr. John Snead stated he opposes the "No-Wake" zone and has experienced very little erosion on his riverfront property due to wakes.

Mr. Gary Lowe stated he supports the "No-Wake" zone.

Mr. Tommy Crump stated there are no "No-Wake" zones in the Chickahominy River where there are probably 100 times more

boats and recreational water vehicles than the Appomattox River. He further stated he opposes the proposed "No-Wake" zone.

Mr. Felix Vozar expressed concerns relative to safety and environmental issues and stated he supports the "No-Wake" zone.

Mr. Bob Schrum stated he opposes the "No-Wake" zone and feels that people who purchase riverfront property understand there will be boats and activity on the river and should build their docks accordingly. He further stated he feels placing "No-Wake" zones on the river will set a bad precedent.

Mr. Anthony Zevgolts stated Chesterfield County has huge areas of marsh and wetlands and is a habitat for wildlife, and expressed concerns relative to erosion and noise pollution. He further stated he feels the entire Appomattox River should be a "No-Wake" zone, indicating that the rights of landowners have always prevailed in court over those of boaters. He stated one boat produces 40 waves at high tide, and he feels the Board should address the issues of public safety and property damage by approving the establishment of a "No-Wake" zone.

When asked, Mr. Zevgolts stated it is a law that boaters are not to create a wake within 50 feet of any dock, any other boat that is moored, or people in the water. He expressed concerns relative to injuries and destruction that can be caused when boaters do not adhere to this law.

Mr. Miller expressed concerns relative to the necessity of creating a "No-Wake" zone if this law is already in effect.

Mr. Micas stated it is very difficult to enforce the 50-foot law, and posting of a "No-Wake" sign makes the law enforceable.

Mr. Miller stated he feels the issue is one of courtesy.

Mr. Zevgolts stated the Board could consider placing a speed limit in the Walthall channel rather than adopting a "No-Wake" zone. He further stated he feels the localities should place police boats on the river and arrest boaters that come through at excessive speeds.

Mr. Barber excused himself from the meeting.

Ms. Andrea Stables stated she opposes the "No-Wake" zone for this area because it is considered a pleasure channel.

There being no one else to speak to the issue, the public hearing was closed.

Mr. McHale expressed concerns relative to the narrow width of the Walthall channel and stated he feels the public safety issue is very important.

Mr. McHale then made a motion, seconded by Mr. Warren, for the Board to adopt a resolution requesting the establishment of a "No-Wake" zone on a portion of the Appomattox River.

Mr. Miller stated he feels there may be other options to address the issues short of establishing a "No-Wake" zone, indicating he will not support the motion.

Mr. Warren called for a vote on the motion of Mr. McHale, seconded by Mr. Warren, for the Board to adopt the following resolution requesting the establishment of a "No-Wake" zone on a portion of the Appomattox River:

RESOLUTION REQUESTING THE ESTABLISHMENT
OF A ("NO-WAKE") MARKER ON A PORTION
OF THE APPOMATTOX RIVER, A CHESTERFEILD COUNTY
PUBLIC WATERWAY

WHEREAS, Section 29.1-744 of the Code of Virginia, 1950, as amended, allows persons to request the establishment of "No-Wake" zones on public waterways by submitting an application to the county for placement of "No-Wake" markers; and

WHEREAS, state law further requires that the County forward the application to the State Department of Game and Inland Fisheries for final approval; and

WHEREAS, landowners have submitted an application for a "No-Wake" marker downstream from R. Garland Dodd Park at Point of Rocks, a public waterway located in Chesterfield County; and

WHEREAS, the application explains that the "No-Wake" markers are needed for safety and ecological reasons, as well as to prevent the destruction of personal property; and

WHEREAS, the county adopted an ordinance allowing for the establishment of "No-Wake" zones on July 28, 1999; and

WHEREAS, a public hearing was duly noticed and held on December 17, 2003, to receive public comment on the application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Chesterfield County that the application for a regulatory marker ("No-Wake") on a portion of the Appomattox River as described fully in the attached application shall be forwarded with the approval of this Board to the Director of the State Department of Game and Inland Fisheries for final approval.

Ayes: Warren, McHale and Humphrey.
Nays: Miller.
Absent: Barber.

Mr. Barber returned to the meeting.

**17.G. TO CONSIDER A PROPOSED CHARTER AMENDMENT REGARDING
SUSPENSION FOR THE ELDERLY OF PAYMENT OF ASSESSMENTS
DUE FOR SEWER AND WATER ASSESSMENT DISTRICTS**

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider a proposed charter amendment relative to suspension for the elderly of payment of assessments due for sewer and water assessment districts.

Mr. Warren called for public comment.

Ms. Diana Parker, representing the Sierra Club, stated she feels the proposed charter amendment is an example of "smart growth" for updating older developments.

There being no one else to speak to the issue, the public hearing was closed.

On motion of Mr. Barber, seconded by Mr. McHale, the Board approved the following charter amendment:

Amend county charter to defer payments within residential water or sewer assessment districts for owners 65 years of age and older until the property is no longer occupied by a property owner who is 65 years of age or older:

Chapter 3. Board of Supervisors

o o o

§ 3.5 Powers.

o o o

K. To create or modify assessment districts for local improvements in accordance with Title 15.2, Chapter 24, Article 2 of the Code of Virginia. For any such assessment district created after January 1, 2003, the Board may provide for the payment of an assessment of costs for improvements, or of any installment due pursuant to Virginia Code Section 15.2-2413, to be suspended when any owner who owned property on the day the ordinance creating the assessment district was adopted and who occupies a residential building located on the property is 65 years of age or older. However, when the property is no longer occupied by a person who is 65 years of age or older or is conveyed to another person or persons, irrespective of the age of the person or persons to whom the property is conveyed, the suspension of payments shall cease and the entire assessment, including accrued interest, shall be immediately due and payable.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

(It is noted the General Assembly must approve the charter amendment before it becomes a part of the county charter.)

17.H. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A SIXTEEN-FOOT DRAINAGE EASEMENT ACROSS LOT 36, SAINT JAMES WOODS, SECTION K

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 16-foot drainage easement across Lot 36, Saint James Woods, Section K.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to VALENTINA KAMINSKI, ("GRANTEE"), a portion of a 16' drainage easement across Lot 36, St. James Woods, Section K, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 129, at Page 4.

WHEREAS, VALENTINA KAMINSKI, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 16' drainage easement across Lot 36, St. James Woods, Section K, MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 129, Page 4, by JOSEPH, COX & ASSOCIATES, INC., dated AUGUST 19, 2002. The portion of easement petitioned to be vacated is more fully described as follows:

A portion of a 16' drainage easement, across Lot 36, St. James Woods, Section K, the location of which is more fully shown on a plat made by BALZER & ASSOCIATES, INC., dated OCTOBER 21, 2003, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the portion of easement sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of easement be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of easement hereby vacated in the property owner of Lot 36, within St. James Woods, Section K free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and VALENTINA KAMINSKI, or her successors in title, as GRANTEE.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren requested a five-minute recess.

Reconvening:

18. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

02SN0209

In Matoaca Magisterial District, SOUTHERN LAND COMPANY LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. A mixed use development with residential, office and commercial uses is planned. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 1,196.2 acres fronting in three (3) places for a total of approximately 2,800 feet on the north line of Beach Road, lying across from Coalboro Road and at the southern terminus of Otterdale Road. Tax ID 714-663-0471 (Sheets 15 and 23).

Mr. Jacobson presented a summary of Case 02SN0209 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Upper Swift Creek Plan and addresses the impact on capital facilities consistent with the Board's cash proffer policy. He stated the applicant has submitted an amendment to Proffered Condition 14 to provide additional landscaping materials adjacent to Ashbrook Subdivision, and also a new Proffered Condition 17 which addresses additional water quality provisions consistent with some of the proffered conditions the Board has received over the last couple of months with development within the Upper Swift Creek area.

Mr. John Cogbill commended Mr. McHale on his service as Bermuda District Supervisor.

Mr. Cogbill, representing the applicant, stated the revised proffered conditions address recent water quality issues that have been raised by both the Board and the Planning Commission. He further stated the proposal addresses the impact on capital facilities; addresses all on-site and even some off-site transportation issues at a cost of an additional \$8 million; provides for resources to address the need for adequate public facilities; provides a 30-foot water transmission line easement; will bring potable water closer to citizens on Beach Road; places the burden of construction for Otterdale Road Extended on the applicant or its successors; addresses environmental concerns; adds a requirement to make silt basins into BMPs; and will not have a significant impact on school enrollment or traffic until 2008 or 2009. He stated growth in the county is still under control, and it is the only way to pay for infrastructure. He further stated the project will probably not draw its first building permit until the end of 2005 or 2006. He stated the applicant is looking at the possibility of

locating an elementary school site on the subject property. He noted the request is consistent with the Upper Swift Creek Plan and embraces planned managed growth by developing from the edge of existing infrastructure and providing for sequential development to adjacent lands. He stated the applicant addresses transportation impacts on-site as well as off-site by building an internal circulation system and linking the communities through an east-west connector. He further stated the applicant will continue dialogues with area residents relative to traffic and other concerns and requested that the Board approve the proposal as recommended by the Planning Commission with the amendment to Proffered Condition 14 and the addition of Proffered Condition 17.

Mr. Warren called for public comment.

Ms. Diana Parker, representing the Sierra Club, stated that, although the applicant has addressed environmental issues and has proposed a quality development, she does not believe the area is ready for a development of this magnitude and, therefore, does not support the request.

Mr. Scott Numeister, a resident of Hampton Park, stated he opposes poorly managed growth and is concerned that many Chesterfield County residents are moving to Powhatan. He requested that the Board use all available tools to address infrastructure shortfalls before approving any new development. He expressed concerns that a new elementary school is not already in the advanced planning stages and suggested that a comprehensive traffic flow study be completed of the Hull Street area.

Mr. Shawn Holt, President of the Hampton Park Homeowners Association, stated he has negotiated with the applicant in an effort to minimize the effect of the proposed development on the residents of Hampton Park. He further stated the proffered conditions address the concerns raised by Hampton Park residents relative to size and style of homes and an additional access in the Ashbrook area. He stated the residents have been assured of a continued dialogue with the developer, and the Hampton Park Homeowners Board does not oppose the request.

Mr. Hugh Strickland requested that the Board ensure that infrastructure is available to support all of the growth that is planned.

Mr. Bill Hastings stated the residents of the Route 360 corridor have expressed concerns relative to traffic and school overcrowding. He requested that the Board consider a 90-day deferral and request funding from the county's legislative delegation for improvements to Hull Street Road from the Swift Creek Bridge to Hampton Park.

Mr. Peter Stone, a resident of Hampton Park, stated he does not support the request because the infrastructure is not available to support the proposed development.

Mr. Mike Wilson stated he feels the Board has the authority to exercise discretion when determining whether zoning requests would promote the health, safety and welfare of its citizens. He further stated the proposed request would have a devastating impact the 360 Corridor, which is already

heavily overburdened. He expressed concerns relative to increased automobile accidents and delayed fire and rescue response times, and stated that denying or postponing the request would benefit all of the constituents involved.

Mr. David O. Webb, a FoxFire resident, expressed concerns relative to the negative financial impact rapid residential growth is having on the county. He stated the current cash proffer system does not cover the cost of the necessary infrastructure. He provided details of county data regarding residential lots in the Upper Swift Creek area, indicating that the citizens are incurring a burden of approximately \$5,300 per lot. He requested that, before approving the rezoning of any additional residential lots, the Board defer all rezoning requests for one year until the updated Upper Swift Creek Plan has been approved; study the option of staged growth for large developments; request that staff estimate the current full recovery of infrastructure costs adjusted annually for inflation; and adopt an ordinance requiring that once a rezoning request for a large residential development has been approved, substantial construction must begin within five years or the applicant must return to the Board with a new request.

Ms. Marlene Durfee expressed concerns relative to growth statistics in the Matoaca District as compared with the other districts. She stated uncontrolled growth puts a hardship on all facilities and services. She further stated she feels Woolridge and Otterdale Roads should immediately be placed on the priority list for improvements. She expressed concerns relative to increased traffic accidents on roads in the Upper Swift Creek area. She stated, although the Comprehensive Plan is expected to be followed for zoning and planning decisions, it cannot be made permanent or inflexible because economic and social conditions may change and outdate the plan. She requested that the Board expand upon what was done at the Growth Summit and make a sound decision based on all the information presented. She thanked Mr. Warren for his foresight in addressing managed growth.

Ms. Kathy Kirk, a resident of FoxFire, referenced a recent opinion of the Attorney General relative to zoning requests and adequate public facilities. She further referenced case law relative to protection against undue density of population in relation to public facilities. She stated the Supreme Court of Virginia has acknowledged, and state law requires, that provisions of a Comprehensive Plan control the general development of land within a locality, but it does not by itself act as an instrument of land use control. She further stated the Supreme Court of Virginia has recognized that a locality may base its denial of a rezoning request in part on inconsistencies between the proposed development and the comprehensive plan. She stated the county's Comprehensive Plan is a guideline and not an ordinance, and requested that the Board make a decision that reflects the current condition and applicability of the Upper Swift Creek Plan. She expressed concerns that the proposed rezoning constitutes a threat to the public's health and safety and requested that the Board deny the request.

Mr. James Adams, representing the Birkdale Community Association, stated he opposes the request. He suggested that the Board identify its available authorities and powers

relative to rezoning requests and consider implementing a moratorium on development. He expressed concerns relative to funding of the infrastructure necessary to support new residential development and to inadequacy of the current Upper Swift Creek Plan.

Mr. David Robinson stated he feels the Board should find a way to deny rezoning requests for whatever reason that can be found within the interpretation of the county's Comprehensive Plan. He further stated the Board cannot stop growth and development, but it can be managed. He expressed concerns relative to the impact of the proposed development upon the Swift Creek Reservoir and stated he hopes the Board feels protection of the reservoir is within the county's Comprehensive Plan. He requested that the Board find a way to have the courage to deny the request.

Mr. Warren stated the number one issue raised in the last Citizens' Satisfaction Survey was lack of adequate growth management.

Ms. Tracey Williamson expressed appreciation to Mr. McHale for his 12 years of service on the Board of Supervisors. She stated the proposal provides for a well-planned community; exceeds the guidelines set forth by the Upper Swift Creek Plan; provides cash proffers that are above and beyond those requested; and implements standards and practices that exceed the erosion and sediment standards adopted this evening. She further stated she feels the future extension of the Powhite Parkway, the widening of Hull Street and completion of the new high school will address traffic and school concerns that have been raised and encouraged the Board to approve the request.

Dr. Betty Hunter-Clapp expressed concerns relative to water quantity and quality issues if the proposed development is approved, and urged the Board to deny the request. She requested that the Board revise the Upper Swift Creek Plan before approving any additional residential development in the area. She also requested that the Board devise a process for citizens to share their concerns with Board members relative to rezoning requests in a more orderly way.

Mr. Harley Joseph, a Midlothian District resident, stated he supports the proposal and feels it will be an excellent development.

Mr. Randy Overby, President of the Ashbrook Community Association, expressed appreciation to Mrs. Humphrey for meeting with residents concerning the proposed development. He stated that, although it may not be the most perfect timing, the proposed development is well thought out.

There being no one else to speak to the request, the public hearing was closed.

Mr. Cogbill stated he does not feel the Board can impose a moratorium on development. He further stated the applicant has proposed a road connection to Ashbrook and Hampton Park that will provide much quicker access to emergency services. He further stated staff has indicated the proffered conditions adequately mitigate the impact of the proposed development on capital facilities, thereby insuring adequate

service levels are maintained and protecting the health, safety and welfare of county citizens. He reviewed road improvements in the area over the past ten years and stated construction of additional westbound lanes on Route 360 is underway and additional eastbound lanes are proposed for FY08-09. He provided photographs of silt barriers, "gutter buddies," and other tools that will be provided by the developer to address erosion and sediment control issues and provided data confirming that the county will have plenty of potable water for new and existing development. He stated the proposed development represents planned managed growth and requested the Board's approval.

Mrs. Humphrey stated she has met with Planning staff regarding her objectives in revising the Upper Swift Creek Plan, including additional green space; a collaborative growth plan and funding opportunity; and reduced density. She further stated community associations will be involved with crafting the language of the revised plan. She expressed appreciation to the developer for not connecting to the Dry Creek neighborhood.

Mrs. Humphrey then made a motion, seconded by Mr. McHale, for the Board to suspend its rules to allow for the additional proffered conditions.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mrs. Humphrey then made a motion, seconded by Mr. McHale, for the Board to approve Case 02SN0209 and accept the proffered conditions.

Mr. Barber expressed frustration that the General Assembly has not enacted adequate public facilities legislation, indicating that the Board has no authority to deny rezoning requests if an applicant complies with the tenets of the Comprehensive Plan and voluntarily offers the maximum cash proffer.

Mr. McHale stated the Attorney General has indicated the Board cannot deny a case based upon inadequate public facilities. He further stated he feels the county is growing a little too fast, but the Board has a duty to make prudent decisions consistent with the law.

Mr. Miller stated the Attorney General's opinion indicates the Board cannot deny rezoning requests solely on the basis of health, safety and welfare issues. He further stated the applicant has done everything possible to comply with the Upper Swift Creek Plan, and he will support the proposed development.

Mr. Warren stated he feels the applicant has made a great deal of effort to address the issues expressed by the community. He further stated citizens are tremendously frustrated with traffic issues on Route 360, and he does not feel the Board is adequately addressing growth management in the county. He stated that, although the General Assembly has not adequately provided tools for local governments to manage growth, there are means for managing growth, indicating that other localities are denying large zoning cases. He expressed concerns that the Board is not listening

to the concerns of the citizens and reminded the Board that he proposed a moratorium on residential growth a couple of years ago. He stated that, until the county comes together with the development community and finds ways to protect the citizens' quality of life, the Board will continue to have public hearings with frustrated citizens. He expressed concerns relative to gridlock of the transportation system, overcrowded schools, unsafe roads, inadequate Comprehensive Plan, inadequate cash proffers, and potential health, safety and welfare issues. He stated he would prefer the case be deferred.

Mr. Warren then called for a vote on the motion of Mrs. Humphrey, seconded by Mr. McHale, for the Board to approve Case 02SN0209 and accept the following proffered conditions:

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax Identification Number 714-663-0471 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 with a conditional use planned development ("CUPD") is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

The application contains one exhibit described as follows:

Exhibit A - Plan titled "Preliminary Zoning Map," prepared by Jordan Consulting Engineers, P.C. and dated June 20, 2001, last revised September 10, 2002, (the "Plan") is made a part of this application as Exhibit A, which shall be considered as a general illustration of the proposed development and does not reflect a blueprint for future action for the Property, except as explicitly outlined in the Textual Statement and the proffered conditions. The Tracts shown on the Exhibit may be further divided into Sub-Tracts (a designated portion of the Tract) at the time of site plan or tentative subdivision review, subject to the provisions outlined in the Textual Statement and proffered conditions.

1. Utilities.

- a. A conceptual overall water and wastewater systems plan for this property, accompanied by a utilities infrastructure phasing plan (the "Utility Plans "), shall be submitted to the Department of Utilities at least thirty (30) days prior to the submission of the first tentative subdivision, site, or construction plan for the Property. Should the Department of Utilities find that later variations in line sizing and/or location of the lines are deemed "significant" changes then the Utility Plans shall be revised and submitted for re-approval prior to approval of any additional tentative subdivision, site, or construction plans for the Property.

- b. Public water and wastewater systems shall be used.
 - c. The Developer shall dedicate to the County a water line easement along the east side of the Otterdale Road Extension (the North/South Arterial) right-of-way to facilitate future construction of a planned water transmission interconnection. The width of this easement shall be determined by the Utilities Department prior to, or at the time of submittal of, the first construction plan for Otterdale Road Extension or the first tentative subdivision that incorporates any portion of the Otterdale Road Extension for County review.
 - d. The Developer shall incorporate into the on-site water distribution system for the development a water line along the east/west collector road. The Developer shall construct this line to the easternmost and westernmost boundaries of this development. Subject to applicable County policies, this water line shall be over-sized if requested by the Utilities Department.
 - e. Prior to the issuance of the first building permit for each tentative subdivision plat ("Plat") or prior to a building permit for each site plan ("Plan") approved for the Property, the Developer shall make payments to Chesterfield County in the amount of \$200.00 per acre (not to exceed an aggregate payment of \$239,400 based upon the total acreage in the Property) for that particular Plat or Plan as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. (U)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Density. The maximum number of dwelling units permitted on the Property shall be 2392, except that for each acre of commercial and/or office uses developed on the Property the total number of dwelling units shall be reduced at a rate of two (2) dwelling units/acre. Commercial or office development shall not include Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential units, or the Recreational Areas (all as defined in the Textual Statement). (P)
4. Age Restriction.
- a. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units may be restricted to "housing for older persons " as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age-Restricted Dwelling Units ").

- b. Lots, Tracts, or Sub-Tracts for Age-Restricted Dwelling Units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential dwelling units. At the time of recordation of a subdivision plat the lots shall be noted as age-restricted. Any site plan for Age-Restricted Dwellings Units shall also note the restriction. (B & M & P)

5. Cash Proffer.

- a. For each dwelling unit developed, except Age Restricted Dwelling Units, the applicant, subdivider, or assignee(s) shall pay \$7,800.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2002. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$7,800.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2001 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2002. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County.
- b. For each Age-Restricted Dwelling Unit developed, the applicant, subdivider, or assignee(s) shall pay \$4,235.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2002. The \$4,235.00 for any units developed shall be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: \$805 for parks, \$280 for library facilities, \$312 for fire stations, and \$2,838 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$4,235.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2001 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2002. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any

impact fees in a manner as determined by the County. (B&M)

6. Dedication. The following rights-of-way on the Property shall be dedicated, free and unrestricted, to Chesterfield County.

a. These dedications shall be in conjunction with recordation of the initial subdivision plat or prior to any final site plan approval for the development, whichever occurs first. The exact location of these rights-of-way shall be approved by the Transportation Department.

(i) A ninety (90) foot wide right-of-way for Otterdale Road Extension from its existing termination to the southern Property line.

(ii) A ninety (90) foot wide right-of-way for the East/West Connection from the eastern Property line to the western Property line.

b. Forty-five (45) feet of right-of-way on the north side of Beach Road measured from the centerline of that part of Beach Road immediately adjacent to the Property frontage shall be dedicated in conjunction with recordation of the initial subdivision plat or prior to any final site plan approval for the development of Property adjacent to Beach Road or within sixty (60) days after a request by the Transportation Department, whichever occurs first. (T)

7. Access Plan.

a. Prior to any site plan or tentative subdivision approval, whichever occurs first, a conceptual access plan for Otterdale Road Extension and for the East/West Connection shall be submitted to and approved by the Transportation Department. Access for this development shall conform to the approved access plan or as otherwise approved by the Transportation Department.

b. There shall be no access or road connection from the Property to Dry Creek Road.

c. Access from the Property to Beach Road shall be limited to Otterdale Road Extension. (T)

8. Transportation. To provide an adequate roadway system at the time of complete development, the Developer shall be responsible for the following improvements. Alternate road improvements, as requested by the Developer and approved by the Transportation Department, which will provide acceptable levels of service as determined by the Transportation Department, may be substituted for the road improvements identified in this condition. If any of the improvements are provided by others, or if they are determined unnecessary by the Transportation Department as demonstrated by updated traffic studies acceptable to the Transportation Department, then the specific required improvement shall

no longer be required by the Developer. The road improvements shall be phased in accordance with the phasing plan outlined herein.

- a. Construction of Otterdale Road and Otterdale Road Extension to VDOT urban minor arterial standards (50 MPH) with modifications by the Transportation Department as:
 - (i) A four-lane, divided road section from Route 360 to the Hampton Park Drive intersection.
 - (ii) A four-lane, undivided road section from Hampton Park Drive through the East/West Connection intersection to a two-lane road 1,000 feet south of the intersection (approximately 400' of full width lane with a 600' taper).
 - (iii) A two-lane, undivided road section from approximately 1,000 feet south of the East/West Connection intersection to Beach Road.
- b. Construction of the East/West Connection to VDOT urban minor arterial standards (50 MPH) with modifications by the Transportation Department as a two-lane, undivided road section from the eastern Property line to the western Property line.
- c. Construction of left and right turn lanes along Otterdale Road Extension and the East/West Connection at each approved access, including at the Otterdale Road Extension and the East/West Connection intersection, if warranted, based on Transportation Department standards.
- d. Construction of the Otterdale Road Extension intersection with Beach Road as a three-lane section consisting of a northbound lane and two southbound lanes. The exact length of this improvement shall be approved by the Transportation Department.
- e. Construction of a right turn lane and a left turn along Beach Road at the Otterdale Road Extension intersection.
- f. Construction of dual left turn lanes from westbound Route 360 to southbound Otterdale Road.
- g. Construction of a third left turn lane from westbound Route 360 to southbound Otterdale Road with an additional lane of pavement (receiving lane) from Route 360 to Hampton Park Drive.
- h. Construction of dual right turn lanes along northbound Otterdale Road at its intersection with Route 360. The exact length of this improvement shall be approved by the Transportation Department.

- i. Full cost of traffic signal installation for the following intersections, if warranted, based on Transportation Department standards:
 - (i) Route 360 and Otterdale Road.
 - (ii) Otterdale Road Extension and the East/West Connection.
 - (iii) Otterdale Road and Hampton Park Drive.
 - (iv) Route 360 and Hampton Park Drive.
- j. Construction of left and right turn lanes along Otterdale Road at the Hampton Park Drive intersection, if warranted, based on Transportation Department standards.
- k. Construction of dual left turn lanes from westbound Route 360 to southbound Hampton Park Drive with an additional lane of pavement (receiving lane) on Hampton Park Drive to Ashbrook Parkway.
- l. Construction of dual right turn lanes along northbound Hampton Park Drive at its intersection with Route 360. The exact length of this improvement shall be approved by the Transportation Department.
- m. WITHDRAWN
- n. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified and phased as outlined herein. In the event the Developer is unable to acquire the right-of-way necessary for the road improvements as described, the Developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department.
- o. The phasing of these improvements shall be as outlined herein unless otherwise requested by the Developer and approved by the Transportation Department.
 - (i) Prior to recordation of a cumulative total of more than 400 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct the improvements specified in proffers 8.a.(i), 8.f. as dual turn lanes and 8.h. as a single right turn lane from northbound Otterdale Road to Route 360, unless it is demonstrated by an updated

traffic study (acceptable to the Transportation Department), that any of these improvements are not yet needed (as determined by the Transportation Department) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.

(ii) Prior to recordation of a cumulative total of more than 500 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct the Otterdale Road Extension in 8.a.(ii) and (iii) from its existing terminus to Beach Road, 8.d., and 8.e., unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department) that any of these improvements are not yet needed (as determined by the Transportation Department) (except for the completion of Otterdale Road Extension from its then existing terminus to Beach road as a two-lane road) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.

(iii) Prior to recordation of a cumulative total of more than 1200 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct 8.g., 8.h., 8.k. and 8.l. unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department) that these improvements are not yet needed (as determined by the Transportation Department) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.

(iv) Prior to recordation of any subdivision plat or final approval of any site plan a phasing plan of the remaining road improvements shall be submitted to and approved by the Transportation Department. Such phasing plan shall include the above referenced phases.
(T)

9. Manufactured Homes. Manufactured Homes shall not be permitted on the Property. (P)
10. Buffers Along Roads. The buffers required by Section 17-70 of the Subdivision Ordinance along roads shall be located within recorded open space. (P)
11. Transportation Densities. For traffic planning purposes, the maximum density of the Property shall be 70,000 square feet of shopping center, 30,000 square feet of general office, 1,220 single family detached residential units, 650 retirement community units, and 400 condominiums or townhouses or equivalent densities as approved by the Transportation Department. (T)

12. Covenant. Prior to recordation of any subdivision plat or final approval of any site plan, the Developer shall record the following covenant for the Property: "Certain roads within the Property are intended to connect to an existing or a future road. Notice is hereby given to all persons interested in purchasing or living within the development that such road connections are planned. Each road that is intended to extend or connect to other roads is shown on the overall road plan attached to these covenants. Any such road is also posted with a sign (located at its temporary terminus) stating "Future road extension."" (T)
13. Pedestrian Tunnel. In conjunction with the construction of the improvements noted in Proffer 8.a.(ii), the Developer shall construct a pedestrian tunnel, acceptable to the Transportation Department, under Otterdale Road near its current terminus which will link the existing walking trails within Hampton Park. (T)
14. Landscaping.
 - a. In conjunction with the construction of the improvements noted in Proffer 8.a.(ii), if approved by the owners of the open space the Developer shall install a double row of evergreen trees (at least five feet tall at the time of planting) within the existing recorded open space that parallels Otterdale Road and is located within Hampton Park. These evergreens shall be installed in the open space where adjacent to the residential lots along Otterdale Road that are south of the intersection of Otterdale Road and Hampton Park Drive and north of the stormwater management facilities. A landscape plan showing these improvements shall be submitted to the Planning Department for approval at the time of submittal of road construction plans for that section of Otterdale Road set forth in 8.a.(ii). the evergreens shall be installed between 5 feet and 12 feet on center, based on the species selected by the Developer for such installation. (P)
 - b. A single row of evergreen trees (at least five feet tall at the time of planting) shall be installed adjacent to the property line with Ashbrook Subdivision. This landscaping shall be installed in recorded open space. The evergreens shall be installed between five (5) feet and twelve (12) feet on center, based on the species selected by the Developer for such installation. A landscape plan depicting these improvements shall be submitted to the Planning Department for review and approval in conjunction with the submission of a final check plat. The installation of landscaping may be phased upon approval of a phasing plan by the Planning Department. (P)
15. House Size. For lots adjacent to Hampton Park and west of Otterdale Road Extended, the houses shall have a minimum gross floor area of 2400 square feet. (P)

16. Open Space. An area of open space shall be established between Hampton Park and the Property (west of Otterdale Road) such that lots on the Property adjacent to Hampton Park shall not include any areas designated as Resource Protection Areas ("RPA") on county maps, and; provided, further the open space area between the property line for the Property and such lots abutting the RPA shall not be less than 85 feet. (P)
17. Best Management Practice (BMP) Facility. The developer shall leave in place the temporary sediment control devices and/or construct new BMPs or combinations of BMPs which would achieve a maximum phosphorous runoff limits required by the Upper Swift Creek Watershed Ordinance Section 19-238(d)(1)a. until Chesterfield County obtains its initial permit for the implementation of the Upper Swift Creek Watershed Plan. (EE)

Ayes: McHale, Barber, Humphrey and Miller.

Nays: Warren.

Mr. Barber requested that, if tools are available for managing growth, they be provided to the Board.

Mr. Warren suggested that Board members read the memo provided by the County Attorney listing ways of managing growth.

Mr. Warren then made a motion, seconded by Mr. Barber, for the Board to direct the County Administrator to distribute a list of growth management tools to the Board of Supervisors.

Mr. Miller expressed concerns that nothing has been done since the Growth Summit to address the growth management issue. He stated he would be supportive of any reasonable growth management tools.

Mr. Warren called for a vote on his motion, seconded by Mr. Barber, for the Board to direct the County Administrator to distribute a list of growth management tools to the Board of Supervisors.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale made a motion, seconded by Mr. Miller, for the Board to suspend its rules to consider items after 11:00 p.m.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0312

In Matoaca Magisterial District, VICTOR P. MORRISSETTE requests rezoning and amendment of zoning district map from Residential (R-25) to Agricultural (A). Residential use of up to 1.0 unit per acre is permitted in an Agricultural (A) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning. This request lies on 67.3 acres fronting approximately 1,200 feet on the south line of Beach Road approximately 400 feet east of Buckhorn Road, also

fronting in two (2) places for a total of approximately 220 feet on the east line of Buckhorn Road approximately 800 feet south of Beach Road. Tax IDs 740-650-6868; 740-651-3549, 6254 and 8357; 741-651-0661 and 3165 (Sheet 24).

Mr. Jacobson presented a summary of Case 03SN0312 and stated the property was zoned by the Board in 1989 with a requirement for public water. He further stated the Planning Commission and staff recommend denial, indicating that the Board denied a request in 1990 to remove the requirement for public water.

When asked, Mr. Jacobson stated, if the property is rezoned to Agricultural, the developer will be able to split the property into lots of five or more acres. He further stated there are no proffered conditions relating to manufactured homes.

Mr. Harley Joseph, representing the applicant, expressed concerns that the developer did not find out about the requirement for public water until the request for a building permit was denied. He stated public water is a mile and a half away from the subject property and the applicant could not pay to provide a water line for 30 residential lots.

Mrs. Humphrey requested that the developer provide an additional proffered condition guaranteeing that no manufactured homes would be allowed on the subject property.

Mrs. Humphrey then made a motion, seconded by Mr. Warren, for the Board to defer Case 03SN0312 until January 14, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

04SN0120

In Clover Hill Magisterial District, VICTOR MORRISSETTE requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) and relief to street access requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 units per acre or less. This request lies on 7.2 acres fronting approximately 200 feet on the east line of Stigall Drive across from Brandenburg Drive. Tax IDs 744-681-2542 and 4918 (Sheet 16).

Ms. Beverly Rogers presented a summary of Case 04SN0120 and stated the proposal would allow development of approximately 60 lots with only one access. She stated staff recommended approval of the rezoning request, but did not recommend approval of the exception to the second access requirement. She further stated the Planning Commission recommended approval and acceptance of the proffered conditions. She noted the request conforms to the Central Area Land Use Plan.

Mr. Harley Joseph, representing the applicant, stated the Planning Commission's recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board approved Case 04SN0120 and accepted the following proffered conditions:

1. The public water and wastewater systems shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead and diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Development shall be limited to a maximum of twelve (12) lots. (P)
4. The applicant, subdivider, or assignee(s) shall pay the following to The County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the Property:
 - a. \$9,000 per dwelling unit, if paid prior to July 1, 2003; or the amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002 and July 1 of the fiscal year in which the payment is made, if paid after June 30, 2003.

In the event the cash payments not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

5. The minimum gross floor area for dwellings shall be:
 - a. one story - 1,300 square feet
 - b. more than one story - 1,850 square feet. (BI)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

04SN0115 (Amended)

In Bermuda Magisterial District, CESARE M. EVOLA AND TERESA B. EVOLA request rezoning and amendment of zoning district map from Agricultural (A) and Community Business (C-3) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 1.2 acres fronting approximately 200 feet on the north line of West Hundred Road, across from Inge Road. Tax IDs 814-652-6781, 7781 and 7994 (Sheet 27).

Ms. Beverly Rogers presented a summary of Case 04SN0115 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. She noted the request conforms to the Consolidated Eastern Area Plan. She

stated concerns were raised at the Planning Commission meeting by area property owners relative to the potential closing of a crossover that aligned Inge Road.

Mr. Jeff Collins, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mr. Warren, the Board approved Case 04SN0115 and accepted the following proffered conditions:

1. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this access shall be determined by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded from Route 10 to the adjacent property to the east (Tax ID 8146529588). (T)
2. Prior to any site plan approval, one-hundred (100) feet of right-of-way measured from the centerline of Route 10 immediately adjacent to the property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Prior to the issuance of a certificate of occupancy, the developer shall: 1) construct an additional lane of pavement along Route 10 for the entire property frontage; and 2) close the existing crossover on Route 10 that aligns with the property and Inge Road, if approved by VDOT. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way required for these improvements. (T)
4. The public water and wastewater systems shall be used. (U)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

19. ADJOURNMENT

On motion of Mr. McHale, seconded by Mr. Barber, the Board adjourned at 1:06 a.m. until January 14, 2004 at 4:00 p.m.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Lane B. Ramsey
County Administrator

Arthur S. Warren
Chairman